

1987 Senate Bill 441

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## 1987 Wisconsin Act 391

AN ACT to repeal 67.05 (6a) (b) to (e) and (6b), 67.05 (6m) (c) to (e) and 120.06 (8) (f) 1 and 2; to renumber 6.22 (1) (d) and (e), 6.82 (3), 7.33 (5), 7.38 (1) (title), 7.38 (1) (d) and (e) and 7.38 (2); to renumber and amend 5.60 (6), 6.22 (1) (a), 6.22 (1) (b), 6.22 (1) (c), 6.86 (1) (a), 7.03 (3), 7.38 (1) (a), 7.38 (1) (b), 7.38 (1) (c), 8.50 (4) (f), 11.01 (18) and 120.06 (8) (f) (intro.); to consolidate, renumber and amend 5.62 (intro.) and (1) (a) and 67.05 (6a) (intro.) and (a); to amend 5.02 (19), 5.15 (6) (b), 5.25 (3), 5.40 (1), 5.51 (5), 5.62 (3), 5.64 (1) (a), (b) and (d), 5.66 (1), 5.82, 5.90, 6.10 (8) and (13), 6.15 (3) (a) 1 and (b), 6.22 (5) and (7), 6.24 (3) and (7), 6.26, 6.29 (2) (a), 6.33 (2) (b), 6.48 (1) (d), 6.50 (2m) (b), 6.55 (3), 6.55 (7) (c) 7 and 8, 6.82 (1) (title), (a) and (b) and (2) (d), 6.84 (1), 6.875 (6), 6.88 (3), 7.03 (1) (b), 7.15 (1) (c), 7.23 (1) (e) to (g), 7.30 (1) and (2) (a), 7.33 (4), 7.51 (1) (ad), (ag) and (ar), 7.51 (3) (c), (4) (a) and (5), 7.53 (1), (2) (cm) and (4), 7.60 (4) (a), (c) and (d), (5) and (6), 7.70 (3) (g), 8.05 (1) (b), (e), (g) and (j), 8.12 (1) (b) and (3), 8.16 (1) and (2) (intro.) and (a), 8.17 (1) (b), 8.20 (9), 8.21, 8.25 (4) (b) 1, 8.30 (1) (intro.) and (3), 8.35 (2) (a), 8.50 (intro.), (1) (a) and (3) (a) and (b), 9.01 (2) and (6) (a), 9.10 (1) (d), (2) (d) and (L) and (3) (b), 9.10 (3) (e) and (4) (a), 10.01 (2) (a) to (e), 10.05, 10.06 (1) (e) and (i), 10.06 (2) (n) and (3) (as), (bs), (c), (cm) and (d), 10.06 (3) (f) and (4), 11.05 (1) and (2), 11.50 (1) (a) 2, 11.50 (2) (b) 5, 12.13 (3) (am) and (j), 17.03 (10), 17.19 (2), 17.28, 20.921 (2) (b), 38.15 (1), 38.15 (1), 60.74 (4) (a) and (b) and (5) (b), 66.021 (2) (a) 1 and (b), 66.022 (3), 66.024 (2) (a), 67.05 (4), 67.05 (5) (a), 67.05 (5) (b), 67.05 (6m) (a), 67.05 (7) (b) and (e), 67.12 (8) (b) 1, 67.12 (12) (e) 2, 67.12 (12) (e) 6, 120.02 (1), (2) (a) and (4), 120.06 (6) (b) and (8) (b), 120.06 (8) (h) and 120.06 (11); to repeal and recreate 6.22 (1) (intro.) and 8.55; and to create 5.02 (4c), 5.02 (20g) and (20r), 5.40 (5) to (7), 5.60 (6) (b), 6.22 (1) (a), 6.22 (1) (b) (intro.), 6.22 (1) (c), 6.25, 6.26 (3), 6.55 (7) (c) 12, 6.55 (7) (d), 6.82 (3), 6.86 (1) (a) 5, 6.86 (1) (ar), 7.03 (1) (bm), 7.38 (1), 7.39 (4) (title) and (5) (title), 7.50 (2) (hm), 8.05 (1) (k), 8.30 (4), 8.50 (4) (f) 2 to 4, 9.10 (3) (bm), 10.06 (2) (f) and (L), 10.06 (4) (a), (c) to (f) and (h), 12.13 (2) (title) and (b) 6m, 60.74 (6), 66.021 (2m), 67.05 (3) and 120.06 (14) of the statutes, relating to special elections, vacancies, ballots, voting systems, nominations, canvassing, election officials, referenda, recall, registration and voting procedure, election notices, administration of elections, campaign financing, prohibited election practices and granting rule-making authority.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 5.02 (4c) of the statutes is created to read:

5.02 (4c) "Election district" means a municipality that is not divided into wards, except as otherwise provided in s. 8.17 (1) (b).

SECTION 1g. 5.02 (19) of the statutes is amended to read:

5.02 (19) "Special election" means any election, other than those described in subs. (5), (18), (21) and (22), to fill vacancies or ~~for other designated purposes to conduct a referendum~~.

SECTION 1r. 5.02 (20g) and (20r) of the statutes are created to read:

5.02 (20g) "Special purpose district" means any local governmental unit other than a county or municipality.

(20r) "Special referendum" means any referendum held at a special election which is not held concur-

rently with the elections described in sub. (5), (18), (21) or (22).

SECTION 2. 5.15 (6) (b) of the statutes is amended to read:

5.15 (6) (b) No later than 60 days before each September primary and general election, and no later than 30 days before an each other election the governing body of any municipality may by resolution combine 2 or more wards for voting purposes to facilitate using a common polling place. Whenever wards are so combined, the original ward numbers shall continue to be utilized for all official purposes. Except as otherwise authorized under this paragraph, every municipality having a population of 35,000 or more shall maintain separate returns for each ward so combined. In municipalities having a population of less than 35,000, the governing body may provide in the resolution that returns shall be maintained only for each group of combined wards at any election. In municipalities having a population as shown in the 1980 federal decennial census of at least 87,000 but not

more than 150,000, the governing body may provide in a resolution adopted prior to 1992 that not more than 2 wards shall use common ballot boxes and ballots or voting machines and that returns shall be maintained only for each group of combined wards at any election held prior to 1992, but not more than one such resolution may be adopted. Whenever a governing body provides for common ballot boxes and ballots or voting machines, separate returns shall be maintained for each separate ballot required under ss. 5.58 to 5.64. A copy of the resolution shall be filed in the same manner as provided in sub. (4) (b). In municipalities having a population of less than 35,000, the resolution shall remain in effect for each election until modified or rescinded, or until a new division is made under this section.

SECTION 3. 5.25 (3) of the statutes is amended to read:

5.25 (3) Polling places shall be established for each September primary and general election at least 60 days before the election, and for each other election shall be established at least 30 days before the election.

SECTION 4. 5.40 (1) of the statutes is amended to read:

5.40 (1) Except as permitted in sub. (3) or as required in ~~sub. subs.~~ (4) to (6), the governing body or board of election commissioners of every municipality with a population of 10,000 or more before July 1, 1995, or of 7,500 or more thereafter shall require the use of voting machines or electronic voting systems in every ward in the municipality at every election. Any other governing body or board of election commissioners may adopt and purchase voting machines or electronic voting systems for use in any ward in the municipality at any election.

SECTION 5. 5.40 (5) to (7) of the statutes are created to read:

5.40 (5) A municipality which utilizes voting machines or an electronic voting system at a polling place shall not utilize the system or the machines to receive the vote of an elector who declares to the chief inspector that, due to physical disability, the elector is unable to depress a button or lever on a machine or to mark or punch a ballot used with the system.

(6) A municipality which utilizes voting machines or an electronic voting system at a polling place may permit use of the machines or system by electors voting under s. 6.15 only as authorized under s. 6.15 (3) (b).

(7) Whenever a municipality adopts and purchases voting machines or an electronic voting system, or adopts and purchases a different type of voting machine or electronic voting system from the type it was previously using, the municipal clerk or executive director of the municipal board of election commissioners shall promptly notify the county clerk or executive director of the county board of election commissioners in writing.

SECTION 6. 5.51 (5) of the statutes is amended to read:

5.51 (5) ~~Official ballots~~ Each official ballot shall be printed on paper of uniform color, except that different. Different colors shall be used to distinguish office and referendum ballots and different colors may be used to distinguish separate ballots for different offices. Sample ballots shall be printed on a different color paper than the official ballots, and need not have the endorsement and certificate.

SECTION 7. 5.60 (6) of the statutes is renumbered 5.60 (6) (a) and amended to read:

5.60 (6) (a) There shall be a separate ballot giving the names of all candidates for elective town offices in the ~~same~~ form as prescribed by the board under s. 7.08 (1) (a). There shall be 2 ballots ballot forms. One ballot form shall be used for the election of supervisors to numbered seats and one ballot form shall be used for the election of supervisors to unnumbered seats. On the ballot used for the election of supervisors to ~~numbered~~ unnumbered seats, all supervisor candidates shall be listed together and the voting instructions shall state "Vote for not more than .... [insert number of supervisors to be elected] candidates.". All towns shall elect their supervisors to unnumbered seats unless the annual town meeting adopts a plan to elect supervisors to numbered seats. The names of candidates for town office shall be arranged by using the same method as that used by the board under sub. (1) (b). A space shall be provided under each office on the ballot for a write-in candidate.

SECTION 8. 5.60 (6) (b) of the statutes is created to read:

5.60 (6) (b) Only the names of individuals nominated under s. 8.05 may be placed on the official ballot. If no nominations for an office are made, the space for that office shall be left blank.

SECTION 9. 5.62 (intro.) and (1) (a) of the statutes are consolidated, renumbered 5.62 (1) (a) and amended to read:

5.62 (1) (a) At September primaries, ~~where necessary,~~ the following ~~ballot or ballots~~ shall be provided for the nomination of candidates of recognized political parties for national, state and county offices and independent candidates for state office in each ward, in the same form as prescribed by the board under s. 7.08 (1) (a). ~~(1) (a)~~ The ballots shall be made up of the several party tickets with each party entitled to participate in the primary under par. (b) or sub. (2) having its own ballot. The independent candidates for state office shall have a separate ballot for all such candidates as under s. 5.64 (1) (e). The ballots shall be secured together at the bottom. The party ballot of the party receiving the most votes for president or governor at the last general election shall be on top with the other parties arranged in ~~an~~ descending order based on their vote for president or governor at the last general election. The ballots of parties qualifying

under sub. (2) shall be placed after the parties qualifying under par. (b), in the same order in which the parties filed petitions with the board. The ballot listing the independent candidates shall be placed at the bottom. At polling places where voting machines are used, each party and the independent candidates shall be represented in one or more separate columns or rows on the ballot. At polling places where an electronic voting system is used other than an electronic voting machine, each party and the independent candidates may be represented in separate columns or rows on the ballot.

SECTION 9m. 5.62 (3) of the statutes is amended to read:

5.62 (3) The board shall designate the official primary ballot arrangement for statewide offices by using the same procedure as provided in s. 5.60 (1) (b) ~~for candidates for justice; congressional and state senate candidates by using the same procedure as for circuit judges under s. 5.60 (1) (b) by numbering the assembly districts and parts of assembly districts within each congressional or senate district; and assembly candidates, by similarly numbering and arranging by population the counties within an assembly district.~~ Independent candidates for state office shall be listed for each office in an order drawn by lot by or under the supervision of the board. On each ballot and on each separate column or row on the ballot, the candidates for office shall be listed together with the offices which they seek in the following order whenever these offices appear on the September primary ballot: governor, lieutenant governor, attorney general, secretary of state, state treasurer, U.S. senator, U.S. representative in congress, state senator, representative to the assembly, and the county offices. Below the names of the independent candidates shall appear the party or principle of the candidates, if any, in 5 words or less, as shown on their nomination papers.

SECTION 10. 5.64 (1) (a), (b) and (d) of the statutes are amended to read:

5.64 (1) (a) The ballot shall be labeled "Official Ballot" in lettering at least three-eighths inch high. Directly underneath in plain, legible type, shall be the following voting instructions: "If you desire to vote a straight party ticket for all statewide, congressional, legislative and county offices, make a cross (X) in the circle under the party designation at the top of the party column. If you desire to vote for individual candidates, make a cross (X) in the square at the RIGHT of the name of each candidate for whom you desire to vote. To vote for a person whose name is does not printed appear on the ballot, write the name in the blank space provided for the purpose. When voting for governor and lieutenant governor, you may vote only for the candidates on one ticket jointly or write in the names of persons in both spaces." Under the party designation at the top of each party column shall appear the following words in boldface type:

"Make a cross (X) in this circle to vote a straight party ticket."

(b) Below the voting instructions the ballot shall be divided into vertical columns. The names of the candidates on the regular party tickets nominated at the primary or replacements appointed under s. 8.35 (2) shall be printed each in a separate column under the party designation. The columns shall be arranged from left to right according to rank, based on the number of votes received by the party's candidate for president or governor at the last general election beginning with the party that received the most votes. To the right of the columns for parties qualifying under s. 5.62 (1) (b) shall be placed the columns for parties qualifying under s. 5.62 (2) in the same order in which the parties filed petitions with the board. To the right of the party columns shall be a column for the names of independent candidates for each office, or more than one column if the first column does not provide sufficient space for the names of all such candidates.

(d) The offices shall be ~~consecutively arranged vertically beginning at the top with governor and lieutenant governor, whenever these offices are filled, and then the remaining statewide offices, if any, congressional offices, legislative offices and ending with county offices in the order designated under s. 5.62 (3).~~

SECTION 11. 5.66 (1) of the statutes is amended to read:

5.66 (1) For local elections, where necessary, municipal clerks shall have sufficient ballots printed or otherwise prepared whenever a voting system does not utilize printed ballots to assure a ballot for all electors or voting machines. For all other elections the municipal clerks shall certify to their county clerk, on the first day of the 2nd month preceding the month in which the primary is held, the approximate number of electors in the municipality. The county clerk shall total these estimates and order a sufficient supply to assure ballots for all electors and voting machines.

SECTION 12. 5.82 of the statutes is amended to read:

**5.82 (title) Write-in ballots.** ~~A If the ballot card employed by a municipality does not provide a space for write-in votes, the municipality shall provide a separate write-in ballot, which may be in the form of a paper ballot, card or envelope in which the elector places his or her ballot card after voting, shall be provided by each municipality where an electronic voting system is utilized to permit electors to write in the names of persons whose names are not on the ballot whenever write-in votes are authorized.~~

SECTION 13. 5.90 of the statutes is amended to read:

**5.90 Recounts.** Except as otherwise provided in this subchapter, recounts of votes cast on an electronic voting system shall be conducted in the manner prescribed in s. 9.01. ~~The officials~~ If the ballots are in

readable form, the board of canvassers may elect to recount the ballots without the aid of automatic tabulating equipment. If the board of canvassers elects to use automatic tabulating equipment, the board of canvassers shall test the automatic tabulating equipment to be used prior to the recount as provided in s. 5.84, and then the official ballots or the record of the votes cast shall be recounted on the automatic tabulating equipment. In addition, the board of canvassers shall check the ballots ~~shall be checked~~ for the presence or absence of the initials and other distinguishing marks, shall examine the ballots marked "Rejected", "Defective" and "Objected to" ~~shall be examined~~ to determine the propriety of such labels, and shall compare the "Duplicate Overvoted Ballots" and "Duplicate Damaged Ballots" ~~shall be compared~~ with their respective originals to determine the correctness of the duplicates.

SECTION 14. 6.10 (8) and (13) of the statutes are amended to read:

6.10 (8) No person gains a residence in any ward, ~~town or village or election district~~ of this state while there for temporary purposes only.

(13) A military elector under s. 6.22 (1) (b) who is the spouse or dependent of another military elector may elect to take as his or her residence either the individual's most recent residence in this state or the residence of the individual's spouse or the individual providing his or her support.

SECTION 14m. 6.15 (3) (a) 1 and (b) of the statutes are amended to read:

6.15 (3) (a) 1. Upon proper completion of the application and cancellation card, the municipal clerk shall inform the elector that he or she may vote for the presidential electors not sooner than 9 days nor later than 5 p.m. on the day before the election at the office of the municipal clerk, or at a specified polling place on election day. When voting at the municipal clerk's office, the applicant shall provide identification and shall mark or punch the ballot in the clerk's presence in a manner that will not disclose his or her vote. The ~~Unless the ballot is utilized with an electronic voting system, the applicant shall fold the ballot so as to conceal his or her vote.~~ The applicant shall then deposit the ballot and seal it in an envelope furnished by the clerk.

(b) *Election day.* An eligible elector may appear at the ~~proper polling place or other location designated under s. 6.55 (2)~~ for the ward or election district where he or she resides and make application for a ballot under sub. (2). In such case, the inspector or special registration deputy shall perform the duties of the municipal clerk. The elector shall provide identification. If the elector is qualified, he or she shall be permitted to vote. The elector shall mark or punch the ballot and, ~~if it is a paper ballot unless the ballot is utilized with an electronic voting system,~~ the elector shall fold the ballot, and shall give it to the inspector. The inspector shall deposit it directly in the ballot box.

Voting machines or ballots utilized with electronic voting systems may only be used by electors voting under this section if they permit voting for president and vice president only.

SECTION 15. 6.22 (1) (intro.) of the statutes is repealed and recreated to read:

6.22 (1) DEFINITIONS. (intro.) In this section:

SECTION 16. 6.22 (1) (a) of the statutes is renumbered 6.22 (1) (b) 1 and amended to read:

6.22 (1) (b) 1. Members of ~~the armed forces of the United States; a uniformed service.~~

SECTION 17. 6.22 (1) (a) of the statutes is created to read:

6.22 (1) (a) "Member of the merchant marine" means an individual, other than a member of a uniformed service or an individual employed, enrolled or maintained on the Great Lakes or the inland waterways, who is any of the following:

1. Employed as an officer or crew member of a vessel documented under the laws of the United States, or a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States.

2. Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of any such vessel.

SECTION 18. 6.22 (1) (b) of the statutes is renumbered 6.22 (1) (b) 2 and amended to read:

6.22 (1) (b) 2. Members of the merchant marine of the United States;

SECTION 19. 6.22 (1) (b) (intro.) of the statutes is created to read:

6.22 (1) (b) (intro.) "Military elector" means any of the following:

SECTION 20. 6.22 (1) (c) of the statutes is renumbered 6.22 (1) (b) 3 and amended to read:

6.22 (1) (b) 3. Civilian employees of the United States and civilians officially attached to ~~the military a~~ uniformed service who are serving outside the territorial limits of the United States;

SECTION 21. 6.22 (1) (c) of the statutes is created to read:

6.22 (1) (c) "Uniformed service" means the U.S. army, navy, air force, marine corps or coast guard, the commissioned corps of the federal public health service or the commissioned corps of the national oceanic and atmospheric administration.

SECTION 22. 6.22 (1) (d) and (e) of the statutes are renumbered 6.22 (1) (b) 4 and 5.

SECTION 23. 6.22 (5) and (7) of the statutes are amended to read:

6.22 (5) VOTING PROCEDURE. ~~The~~ Except as authorized in s. 6.25, the ballot shall be marked or punched and returned, deposited and recorded in the same manner as other absentee ballots. In addition, the affidavit under s. 6.87 (2) shall have a statement of the

elector's birth date. Failure to return the unused ballots in a primary election does not invalidate the ballot on which the elector casts his or her votes.

(7) EXTENSION OF PRIVILEGE. This section applies to all military electors for 10 days after the date of ~~honorable discharge from the armed forces~~ a uniformed service or termination of services or employment of persons under individuals specified in sub. (1) (a) to (e) (b) 1 to 4.

SECTION 24. 6.24 (3) and (7) of the statutes are amended to read:

6.24 (3) REGISTRATION. If registration is required in the ~~overseas elector's municipality, he or she where the overseas elector resides, the elector~~ shall register on a form prescribed by the board designed to ascertain the ~~absent~~ elector's qualifications under this section. ~~Such~~ The form shall be substantially similar to the original affidavit form under s. 6.33 (1), insofar as applicable. Registration shall be accomplished in accordance with s. 6.30 (3).

(7) VOTING PROCEDURE. ~~The~~ Except as authorized under s. 6.25, the ballot shall be marked or punched and returned, deposited and recorded in the same manner as other absentee ballots. In addition, the certificate-affidavit shall have a statement of the elector's birth date. Failure to return the unused ballots in a primary election does not invalidate the ballot on which the elector casts his or her votes.

SECTION 25. 6.25 of the statutes is created to read:

**6.25 Federal write-in absentee ballot.** (1) Any individual who qualifies as a military elector under s. 6.22 (1) (b) or an overseas elector under s. 6.24 (1) and who transmits an application for an official absentee ballot for a general election no later than 30 days before election day may, in lieu of the official ballot, cast a federal write-in absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all of the candidates of any recognized political party for national office listed on the official ballot at the general election if the federal write-in absentee ballot is received by the appropriate municipal clerk no later than the time prescribed in s. 6.87 (6).

(2) A federal write-in absentee ballot is valid only if all of the following apply:

(a) The ballot is submitted from a location outside the United States.

(b) The elector submitting the ballot does not submit an official ballot within the time prescribed in s. 6.87 (6).

SECTION 26. 6.26 of the statutes is amended to read:

**6.26 Registrars.** (1) Where registration is applicable under s. 6.27, the municipal clerk or the board of election commissioners of each municipality shall ~~have control of~~ administer elector registration within the municipality ~~for which they are elected or appointed in accordance with the procedures pre-~~

scribed under sub. (3). The clerk or board of election commissioners shall prepare and maintain the registration list under this chapter.

(2) A qualified elector of the state may apply to any municipal clerk or board of election commissioners to be appointed as a special registration deputy for the purpose of registering electors prior to the close of registration. An applicant may be appointed to serve more than one municipality. The municipal clerk or board of election commissioners may appoint each an applicant who qualifies under this subsection, unless the applicant's appointment has been revoked by a municipality for cause. A municipal clerk or board of election commissioners may revoke an appointment for cause at any time. No individual may serve as a special registration deputy in a municipality unless the individual is appointed by the municipal clerk or board of election commissioners of the municipality. This subsection does not apply to deputies appointed under s. 6.55 (6).

SECTION 27. 6.26 (3) of the statutes is created to read:

6.26 (3) The board shall, by rule, prescribe procedures for appointment of special registration deputies, for revocation of appointments of special registration deputies, and for training of special registration deputies by municipal clerks and boards of election commissioners. The procedures shall be formulated to promote increased registration of electors consistent with the needs of municipal clerks and boards of election commissioners to efficiently administer the registration process.

SECTION 27e. 6.29 (2) (a) of the statutes is amended to read:

6.29 (2) (a) Any qualified elector in a municipality where registration is required who has not previously filed a registration form or whose name does not appear on the registration list shall be entitled to vote at the election if he or she delivers to the municipal clerk a properly executed registration form with an affidavit sworn to by him or her. Alternatively, if the elector cannot obtain a registration form, the elector shall list all the information required on the registration form. The elector shall present acceptable proof of residence as provided in s. 6.55 (7). If no proof is presented, the registration form or the listing of required information shall be substantiated by the affidavit of one other elector of the municipality, corroborating all the material statements therein. The corroborating elector shall then provide acceptable proof of residence under s. 6.55 (7). The signing of the affidavits by the registering elector and the corroborating elector shall be done in the presence of the municipal clerk not later than 5 p.m. of the day before an election. All affidavits shall be sworn to before the clerk or another officer authorized to administer oaths.

SECTION 27m. 6.33 (2) (b) of the statutes is amended to read:

6.33 (2) (b) The registration form shall be in the form of an affidavit and shall be sworn before the clerk, issuing officer or registration deputy, or before any other officer authorized to administer oaths, except that registrations which are authorized to be corroborated under s. 6.29 (2) (a), 6.30 (4) or 6.55 (2) shall be certified by the applicant but need not be separately verified.

SECTION 27t. 6.48 (1) (d) of the statutes is amended to read:

6.48 (1) (d) If the clerk determines that the challenged elector is not qualified, the clerk shall cancel the challenged elector's registration, make the necessary change in the registration list and notify the proper inspectors for the ward officials or election district where the elector was registered.

SECTION 28. 6.50 (2m) (b) of the statutes is amended to read:

6.50 (2m) (b) Following each presidential general election, the municipal clerk of the municipality shall revise and correct the registration list by reviewing the registration of any elector who failed to vote within the past 4 years if qualified to do so during that entire period. Each such elector shall be mailed an address verification card under par. (c). If an address verification card is returned by the postal service to the clerk, the registration of such elector shall be canceled. Otherwise, the registration shall be retained notwithstanding failure of the elector to vote at any election, except as provided in subs. (4) to (7).

SECTION 28m. 6.55 (3) of the statutes is amended to read:

6.55 (3) Any qualified elector in the ward or election district where the elector desires to vote whose name does not appear on the registration list where registration is required but who claims to be registered to vote in the election may request permission to vote at the polling place for that ward or election district. When the request is made, the inspector shall require the person to give his or her name and address. If the elector is not at the ~~correct~~ polling place which serves the ward or election district where the elector resides, the inspector shall provide the elector with directions to the correct ~~location~~ polling place. If the elector is at the correct polling place, the elector shall then execute the following written oath or affirmation: "I, ..., do solemnly swear (or affirm) that to the best of my knowledge, I am a qualified elector, having resided at ... for at least 10 days immediately preceding this election, and that I am not disqualified on any ground from voting, and I have not voted at this election and am properly registered to vote in this election." The person shall be required to provide acceptable proof of residence as provided under sub. (7) and shall then be given the right to vote. If acceptable proof is presented, the inspector shall administer the oath and the elector need not have the affidavit corroborated by any other elector. If acceptable proof is not presented, the statement shall be certified by the elector and shall

be corroborated by another elector who resides in the municipality. The corroborator shall then provide acceptable proof of residence as provided in sub. (7). Whenever the question cannot be satisfactorily resolved and the elector permitted to vote, an election official shall telephone the office of the municipal clerk to reconcile the records at the polling place with those at the office.

SECTION 28p. 6.55 (7) (c) 7 and 8 of the statutes are amended to read:

6.55 (7) (c) 7. A real estate tax bill or receipt for the current year or the year preceding the date of the election.

8. A residential lease which is effective for a period that includes election day.

SECTION 29. 6.55 (7) (c) 12 of the statutes is created to read:

6.55 (7) (c) 12. A gas, electric or telephone service statement for the period commencing not earlier than 90 days before election day.

SECTION 29m. 6.55 (7) (d) of the statutes is created to read:

6.55 (7) (d) Forms of identification specified in par. (c) which are valid for use during a specified period shall be valid on the day of an election in order to constitute acceptable proof of residence at that election.

SECTION 30. 6.82 (1) (title), (a) and (b) and (2) (d) of the statutes are amended to read:

6.82 (1) (title) RECEIPT OF BALLOT AT POLL ENTRANCE. (a) When any inspectors are informed that an elector is at the ~~door entrance to the polling place~~ who as a result of disability is unable to enter the polling place ~~without assistance~~, they shall appoint 2 of their number ~~to take an official ballot to the entrance and present it to the elector. If the elector requests assistance, permit the elector may to be assisted in marking or punching the a ballot by any individual selected by the elector, except the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector. When The inspectors shall issue a ballot to the individual selected by the elector and shall accompany the individual to the polling place entrance where the assistance is to be given. If the ballot is a paper ballot, the assisting individual shall fold the ballot after the ballot is marked or punched, if it is a paper ballot it shall be folded, and the by the assisting individual. The assisting individual shall then immediately take the ballot into the polling place and give the ballot to an inspector. The inspector shall distinctly announce that he or she has "a ballot offered by .... (stating person's name), an elector who, as a result of disability, is unable to enter the room polling place without assistance". The inspector shall then ask, "Does anyone object to the reception of this ballot?" If no objection is made, the inspectors shall record the elector's name under s. 6.79 and deposit the ballot in the ballot box, and shall make a notation on~~

the registration or poll list: "Ballot received at the door poll entrance".

(b) If objection to receiving the ballot is made by any qualified elector present, the inspectors shall ~~decide upon the objection, and if they find the objection has merit shall destroy the ballot. If the objection is overruled, the ballot shall be deposited. If the ballot is destroyed, the inspectors shall immediately notify the elector of such fact~~ receive the ballot under s. 6.95.

(2) (d) The election officials shall enter upon the poll list of electors voting after the name of any elector who had assistance in voting the word "assisted". The officials shall also record on the poll list of electors voting the full name and address of the individual who renders assistance.

SECTION 30g. 6.82 (3) of the statutes is renumbered 6.82 (4).

SECTION 30j. 6.82 (3) of the statutes is created to read:

6.82 (3) USE OF PAPER BALLOTS. Whenever, in a municipality in which an electronic voting system or voting machines are used, an elector declares to the chief inspector that, due to physical disability, the elector is unable to mark or punch a ballot used with the electronic voting system or to depress a button or lever on a voting machine, the inspectors shall permit the elector to vote using a paper ballot and voting booth.

SECTION 30m. 6.84 (1) of the statutes is amended to read:

6.84 (1) LEGISLATIVE POLICY. The legislature finds that voting is a constitutional right, the vigorous exercise of which should be strongly encouraged. In contrast, voting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place. The legislature finds that the privilege of voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse; to prevent overzealous solicitation of absent electors who may prefer not to participate in an election; to prevent undue influence on an absent elector to vote for or against a candidate or to cast a particular vote in a referendum; or other similar abuses.

SECTION 31. 6.86 (1) (a) of the statutes is renumbered 6.86 (1) (a) (intro.) and amended to read:

6.86 (1) (a) (intro.) Any elector, qualifying under ss. 6.20 and 6.85 as an absent elector, may apply make written application to the municipal clerk for an official ballot ~~either in writing, in by one of the following methods:~~

1. By mail.

2. In person at the office of the municipal clerk, by.

3. By completing an application as provided in signing a statement under sub. (2) or by (a).

4. By agent as provided in sub. (3).

(ag) An elector who is unable to write his or her name due to physical disability may authorize an

application to be made by another elector on his or her behalf. In such case, the application shall state that it is made on request and by authorization of a named elector who is unable to sign the application due to physical disability.

SECTION 32. 6.86 (1) (a) 5 of the statutes is created to read:

6.86 (1) (a) 5. By delivering an application to a special voting deputy under s. 6.875 (6).

SECTION 33. 6.86 (1) (ar) of the statutes is created to read:

6.86 (1) (ar) Except as authorized in s. 6.875 (6), the municipal clerk shall not issue an absentee ballot unless the clerk receives a written application therefor from a qualified elector of the municipality. The clerk shall retain each absentee ballot application until destruction is authorized under s. 7.23 (1).

SECTION 34. 6.875 (6) of the statutes is amended to read:

6.875 (6) Special voting deputies in each municipality shall, not later than 5 p.m. on the Friday preceding an election, arrange one or more convenient times with the administrator of each nursing home in the municipality from which one or more occupants have filed an application under s. 6.86 to conduct absentee voting for the election. The time may be no earlier than the 4th Monday preceding the election and no later than 5 p.m. on the Monday preceding the election. Upon request of a relative of a nursing home occupant, the administrator may notify the relative of the time or times at which special voting deputies will conduct absentee voting at the home, and permit the relative to be present in the room where the voting is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit the nursing home and. The municipal clerk or executive director of the board of election commissioners shall issue a supply of absentee ballots to the deputies sufficient to provide for the number of valid applications received by the clerk, and a reasonable additional number of ballots. The municipal clerk or executive director shall keep a careful record of all ballots issued to the deputies and shall require the deputies to return every ballot issued to them. The deputies shall personally offer each elector who has filed a proper application the opportunity to cast his or her absentee ballot. If an elector is present who has not filed a proper application, the 2 deputies may accept an application from the elector and shall issue a ballot to the elector if the elector is qualified and the application is proper. The deputies shall administer the oath and may, upon request of the elector, assist the elector in marking or punching the elector's ballot. Upon request of the elector, a relative of the elector who is present in the room may assist the elector in marking or punching the elector's ballot. All voting shall be conducted in the presence of the deputies. No individual other than a deputy may administer the oath and no individual other than a deputy or relative of an elector may render voting



assistance to the elector. Upon completion of the voting, the deputies shall promptly deliver, either personally or by 1st class mail, any absentee ballot applications and the sealed certificate-affidavit envelope containing each ballot to the clerk or board of election commissioners of the municipality in which the elector casting the ballot resides, within such time as will permit delivery to the polling place serving the elector's residence on election day. Personal delivery may be made by the deputies no later than noon on election day. If a qualified elector is not able to cast his or her ballot on 2 separate visits by the deputies to the nursing home, they shall so inform the municipal clerk or executive director of the board of election commissioners, who may then mail the ballot to the elector no later than 5 p.m. on the Friday preceding the election.

SECTION 35. 6.88 (3) of the statutes is amended to read:

6.88 (3) (a) Any time between the opening and closing of the polls on election day, the ~~ward election~~ inspectors shall open the carrier envelope only, and announce the absent elector's name. When the inspectors find that the certification or affidavit has been properly executed, the applicant is a qualified elector of the ward or election district, and the applicant has not voted in the election, they shall enter an indication on the poll or registration list next to the applicant's name indicating an absentee ballot is cast by the elector. They shall then open the envelope containing the ballot in a manner so as not to deface or destroy the affidavit or certification thereon. The inspectors shall take out the ~~ballots ballot~~ without unfolding ~~them~~ it or permitting ~~them~~ it to be unfolded or examined ~~and, after verification. Unless the ballot is cast under s. 6.95, the inspectors shall verify that the ballots have ballot has been endorsed by the issuing clerk. The inspectors shall deposit them the ballot in the proper ballot boxes box~~ and enter the absent elector's name or voting number after his or her name on the poll or registration list the same as if he the elector had been present and voted in person.

(b) When the inspectors find that an affidavit or certification is found to be is insufficient, that the applicant is not a qualified elector in the ward, that the ballot envelope is open or has been opened and resealed, or that the ballot envelope contains more than one ballot of any one kind, or if due proof appears is submitted to the inspector inspectors that an elector voting an absentee elector ballot has since died, the vote inspectors shall not be accepted or counted. Every count the ballot. The inspectors shall endorse every ballot not counted shall be indorsed on the back, "rejected (giving the reason)". Each The inspectors shall reinsert each rejected ballot shall be reinserted into the affidavit envelope in which it was delivered and enclose the affidavit envelopes and ballots shall be enclosed, and securely sealed seal the ballots and envelopes in an envelope marked for rejected

absentee ballots. The inspectors shall ~~indorse~~ endorse the envelope, "~~defective rejected~~ ballots" with a statement of the ward or election district and date of the election, signed by the chief inspector and one of the inspectors representing each of the 2 major political parties and returned to the ~~same official municipal clerk~~ in the same manner as official ballots voted at the election.

SECTION 36. 7.03 (1) (b) of the statutes is amended to read:

7.03 (1) (b) Payment ~~Except as provided in par. (bm), payment~~ shall be made by the municipality in which the election is held, except that any technician, messenger, tabulator or member of the board of canvassers who is employed to perform services for the county shall be paid by the county and any messenger or tabulator who is employed to perform services for the state shall be paid by the board.

SECTION 37. 7.03 (1) (bm) of the statutes is created to read:

7.03 (1) (bm) Whenever a special election is called by a county or by a school district, a vocational, technical and adult education district, a sewerage district, a sanitary district or a public inland lake protection and rehabilitation district, the county or district shall pay the compensation of all election officials, as determined under sub. (2).

SECTION 37m. 7.03 (3) of the statutes, as created by 1987 Wisconsin Act 111, is renumbered 7.33 (5) and amended to read:

7.33 (5) ~~Notwithstanding sub. (1), any~~ Any employe of the state who obtains a paid leave of absence in order to serve as an election official under s. 7.30 shall certify in writing to the head of the state agency by which he or she is employed the amount of compensation that the employe receives for such service. Upon receipt of the certification, the head of the state agency shall deduct that amount from the employe's pay earned for scheduled working hours during the period specified in ~~s. 7.33 sub. (2)~~ when the employe is on a paid leave of absence.

SECTION 39. 7.15 (1) (c) of the statutes is amended to read:

7.15 (1) (c) ~~Distribute~~ Prepare ballots for municipal elections, and distribute ballots and provide other supplies for conducting all elections. The municipal clerk shall deliver poll list forms received from the county clerk to the polling places with the ballots before the polls open.

(cm) Prepare absentee ballots for delivery to electors requesting them, and mail an absentee ballot to each elector who has requested one no later than the 30th day before each September primary and general election and no later than the 21st day before each other primary and election if the request is made before that day; otherwise, the municipal clerk shall mail the absentee ballot within one day of the time the elector's request is received. The clerk shall deliver



~~materials received from the county clerk to the polling places with the ballots before the polls open.~~

SECTION 40. 7.23 (1) (e) to (g) of the statutes are amended to read:

7.23 (1) (e) Registration and poll lists created at a nonpartisan primary or election may be destroyed 90 days 2 years after the 2nd spring or general election following the primary or election at which they were created and registration and poll lists created at a partisan primary or election may be destroyed 4 years after the primary or election at which they were created.

(f) Applications Except as authorized in pars. (b) and (g), ballots, applications for absentee ballots or, registration forms, or other records and papers requisite to voting at any federal election, other than registration cards, may be destroyed after 22 months.

(g) Detachable recording units and compartments for use with electronic voting machines may be cleared or erased 30 14 days after any primary and 21 days after any other election. Before clearing or erasing the units or compartments, a municipal clerk shall transfer the data contained in the units or compartments to a disk or other recording medium which may be erased or destroyed 22 months after the election to which the data relates.

SECTION 41. 7.30 (1) and (2) (a) of the statutes are amended to read:

7.30 (1) NUMBER. There shall be 7 inspectors for each polling place at each election ~~held under chs. 5 to 12. Where.~~ In municipalities where voting machines are used, the municipal governing body may reduce the number of inspectors ~~may be reduced to 5. Additional~~ A municipal governing body may provide for the appointment of additional inspectors ~~may be appointed~~ whenever more than one voting machine is used or ~~polling places~~ wards are combined under s. 5.15 (6) (b). A municipal governing body may provide by ordinance for the selection of alternate officials or the selection of 2 sets of officials to work at different times on election day. Additional officials shall be appointed in such a manner that the total number of officials is an odd number and the predominant party under sub. (2) is represented by one more official than the other party.

(2) (a) Only election officials appointed under this section may conduct an election. Except as authorized in s. 7.15 (1) (k), each inspector shall be a qualified elector in the ward for which the polling place is established. Special registration deputies appointed under s. 6.55 (6) and election officials serving more than one ward or when necessary to fill a vacancy under par. (b) need not be a resident of that ward, but shall be a resident of the municipality. Special registration deputies may be appointed to serve more than one polling place. All officials shall be able to read and write the English language, be capable, be of good understanding, and may not be a candidate, other than for party committeeman or committeewoman, to

be voted for at an election at which they serve. In 1st class cities, they may hold no public office other than notary public. Except as authorized under sub. (4) (c), ~~all officials other than special registration deputies inspectors~~ shall be affiliated with one of the 2 recognized political parties which received the largest number of votes for president, or governor in nonpresidential general election years, in the ward or combination of wards served by the polling place at the last election. The party which received the largest number of votes is entitled to ~~4 inspectors for each polling place. The one more inspector than the party receiving the next largest number of votes is entitled to 3 inspectors for~~ at each polling place. The same election officials may serve the electors of more than one ward where wards are combined under s. 5.15 (6) (b). If a municipality is not divided into wards, the ward requirements in this paragraph apply to the municipality at large.

SECTION 41g. 7.33 (4) of the statutes, as created by 1987 Wisconsin Act 111, is amended to read:

7.33 (4) Each state agency shall, upon proper application under sub. (3), permit each of its employes to serve as an election official without loss of pay, fringe benefits or seniority privileges earned for scheduled working hours during the period specified in sub. (3), and without loss of pay for scheduled working hours during the period specified in sub. (3) except as provided in sub. (5), and shall not impose any other penalty upon an employe who serves as an election official.

SECTION 41r. 7.33 (5) of the statutes, as created by 1987 Wisconsin Act 111, is renumbered 7.33 (6).

SECTION 42. 7.38 (1) (title) of the statutes is renumbered 7.39 (title).

SECTION 43. 7.38 (1) (a) of the statutes is renumbered 7.39 (1) and amended to read:

7.39 (1) (title) PARTY OBSERVERS. For every polling place, each recognized political party may appoint 2 party observers and an alternate for each, as observers of the election proceedings ~~and the canvassing of the votes.~~ The appointments may be made by the county committee of the party that nominated the candidates. Party appointments shall be filled by the chairman of the party. Except at primary elections, observers appointed by a party shall serve as observers for all candidates appearing on the ballot or in the column of that party.

(2) (title) OTHER OBSERVERS. (a) Candidates at partisan primary elections, independent candidates at partisan elections and candidates at nonpartisan elections may similarly appoint one observer for each polling place to represent them.

(b) Groups registered under s. 11.05 (1) may similarly appoint one observer for each polling place to represent the group at any referendum election.

SECTION 44. 7.38 (1) (b) of the statutes is renumbered 7.39 (2) (c) and amended to read:

7.39 (2) (c) The board may by rule prescribe procedures and standards whereby nonpartisan and bipartisan organizations of electors not affiliated with any candidate may be authorized to appoint observers under this ~~subsection~~ section.

SECTION 44m. 7.38 (1) (c) of the statutes is renumbered 7.39 (3) and amended to read:

7.39 (3) (title) FILING OF APPOINTMENT. ~~Each~~ The person making each appointment shall be filed file a signed letter of appointment with the proper municipal clerk or board of election commissioners of the municipality in which the appointee is designated to serve at least 4 days before the election, and signed by the person making them. The file copy shall specify the name and residence of the appointee, the ~~election ward to polling place for which appointed,~~ and the name of ~~the an~~ an alternate appointee, if any, in case the original appointee is absent.

SECTION 45. 7.38 (1) (d) and (e) of the statutes are renumbered 7.39 (4) and (5).

SECTION 46. 7.38 (1) of the statutes is created to read:

7.38 (1) OBSERVERS. Each recognized political party may appoint observers at polling places as provided in s. 7.39.

SECTION 46m. 7.38 (2) of the statutes is renumbered 7.40.

SECTION 47. 7.39 (4) (title) and (5) (title) of the statutes are created to read:

7.39 (4) (title) PERMITS.

(5) (title) POLL POSITIONS.

SECTION 47m. 7.50 (2) (hm) of the statutes is created to read:

7.50 (2) (hm) In a nonpartisan primary or election using voting machines if an elector is permitted to vote for more than one candidate for the same office, a write-in vote may not be counted if the vote is cast for a candidate whose name appears on the ballot for that office.

SECTION 48. 7.51 (1) (ad), (ag) and (ar) of the statutes are amended to read:

7.51 (1) (ad) The inspectors shall first compare the poll or registration lists, correcting any mistakes until the poll or registration lists agree ~~and~~. The chief inspector and the inspectors who are responsible for recording electors under s. 6.79 shall verify their the correctness of the poll or registration lists after the polls close by each signing their name thereto. Where ballots are distributed to electors, the inspectors shall then open the ballot box and remove and count the number of ballots therein without examination except as is necessary to ascertain that each is a single ballot. If 2 or more ballots are folded together so as to appear as a single ballot, ~~they~~ the inspectors shall be laid lay them aside until the count is completed; and if, after a comparison of the count and the appearance of the ballots it appears to a majority of the inspectors that the ballots folded together were voted by the same

person they may not be counted but the inspectors shall be marked mark them as to the reason for removal, set them aside and carefully ~~preserved~~ preserve them. The inspectors shall then proceed under par. (ag).

(ag) When, during the counting of the ballots cast at an election, a majority of the inspectors find that a ballot which is so defective that it they cannot be determined determine with reasonable certainty for whom it was cast, a majority of the inspectors shall determine whether the ballot is defective, and if so, it they shall be so marked, preserved and not counted mark the ballot and preserve it. The inspectors shall not count the vote cast on the ballot for any office for which they determine the ballot to be defective. Whenever the number of ballots exceeds the number of voting electors as indicated on the poll or registration list, the inspectors shall place all ballots face up to check for blank ballots. In this paragraph, "blank ballot" means a ballot on which no votes are cast for any office or question. Any The inspectors shall mark, lay aside and preserve any blank ballots shall be so marked, laid aside and carefully preserved. If the number of ballots still exceeds the number of voting electors, the ~~board of canvassers~~ inspectors shall place all ballots face down and proceed to check for the initials. Any The inspectors shall mark, lay aside and preserve any ballot not bearing the initials of 2 inspectors or any absentee ballot not bearing the initials of the municipal clerk shall be so marked, laid aside and preserved. During the count the inspectors shall count those ballots cast by challenged electors ~~and marked~~ "Objected to" the same as the other ballots. The inspectors shall keep a written statement, in duplicate, of the number of defective and ~~objected to~~ challenged ballots. The ~~officials~~ inspectors shall certify that the statement is correct, sign it, and attach it to the canvass statements.

(ar) If, after any ballots have been laid aside, the number of ballots still exceeds the total number of electors recorded on the registration or poll list, the inspectors shall separate the absentee ballots from the other ballots. If there is an excess number of absentee ballots, the inspectors shall place the absentee ballots shall be placed in the ballot box and one of the inspectors shall publicly and without examination draw therefrom by chance the number of ballots equal to the excess number of absentee ballots. If there is an excess number of other ballots, the inspectors shall place those ballots shall be placed in the ballot box and one of the inspectors shall publicly and without examination draw therefrom by chance the number of ballots equal to the excess number of those ballots. All ballots so removed may not be counted but shall be specially marked as having been removed by the ~~canvassers~~ inspectors on original canvass due to an excess number of ballots, set aside and ~~carefully~~ preserved. When the number of ballots and total shown on the poll or registration list agree, the inspectors

shall return all ballots to be counted to the ballot box and shall turn the ballot box in such manner as to thoroughly mix the ballots. The inspectors shall then open, count and record the number of votes. When the ballots are counted, ~~they the inspectors shall be separated~~ separate them into piles for ballots similarly voted. Objections may be made to placement of ballots in the piles at the time the separation is made.

SECTION 48m. 7.51 (3) (c), (4) (a) and (5) of the statutes are amended to read:

7.51 (3) (c) Where voting machines are used, as soon as the count is complete and fully recorded, the inspectors shall seal, close and lock the machine, or remove the record so it cannot be voted on or tampered with. They shall then proceed to separately canvass and return ~~as for paper ballots, any write-in votes, absentee ballots or challenged ballots which shall be designated irregular paper ballots. Challenged~~ voted under s. 5.40 (3) to (6). The inspectors shall count the challenged ballots shall be counted the same as other ballots. Upon completion of the canvass, the inspectors shall return the ~~paper~~ ballots in an a separate envelope endorsed "Irregular marked "Paper Ballots". The ~~inspectors shall place the record of write-in votes cast on the machines shall be placed in an envelope marked "Write-In Votes".~~ The inspectors shall return the ~~irregular paper~~ ballots and write-in votes along with any printed voting record produced by the voting machines to the clerk under par. (a) or (b) or to the board of election commissioners. The inspectors shall place the envelopes and printed voting record in a properly sealed bag or container, indicating the ward or wards and county.

(4) (a) ~~When the canvass is complete, the inspectors shall publicly announce the results from the tally sheets. They~~ The tally sheets shall state the total number of votes cast for each office and for each person individual receiving votes for that office, whether or not the individual's name appears on the ballot, and shall state the vote for and against each proposition voted on. They Upon completion of the tally sheets, the inspectors shall immediately complete the inspectors' statements in duplicate, which shall be combined with the tally sheet setting forth in written words as well as figures, the total number of votes for each office, the names of all persons receiving votes, the number of votes each person received, and the number of votes for and against any proposition at the election. They. The inspectors shall state the excess by which the number of ballots exceeds the number of electors voting as shown by the poll or registration list, if any, and shall state the number of the last elector as shown by the registration or poll lists. At least 3 inspectors, including the chief inspector and at least one official inspector representing each political party, shall then certify to the correctness of the statements and tally sheets and sign their names. All other election officials assisting with the canvass shall also certify to the correctness of the tally sheets. When the

canvass is complete, the inspectors shall publicly announce the results from the statements.

(5) The inspectors shall make full and accurate return of the votes cast for each candidate and proposition on tally sheet blanks provided by the municipal clerk for the purpose. Each tally sheet shall record the returns for each office or referendum by ward, unless combined returns are authorized in accordance with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group of combined wards. After recording the votes, the inspectors shall seal in a carrier envelope outside the ballot bag or container one inspectors' statement under sub. (4) (a), one tally sheet statement and one poll or registration list for delivery to the county clerk, unless the election relates only to municipal or school district offices or referenda. The inspectors shall also similarly seal one inspectors' statement, one tally sheet statement and one poll or registration list for delivery to the municipal clerk. For school district elections ~~at which no other officers are elected and no other referenda are voted upon,~~ except in 1st class cities, the inspectors shall similarly seal one inspectors' statement, one tally sheet statement and one poll or registration list for delivery to the school district clerk. The inspectors shall immediately deliver all ballots, statements, tally sheets, lists and envelopes to the municipal clerk or, for ballots relating only to school district elections, to the school district clerk. The municipal clerk shall deliver the ballots, statements, tally sheets, lists and envelopes for his or her municipality relating to any county, vocational district, state or national election to the county clerk by 2 p.m. on the day following each such election. The person delivering the returns shall be paid out of the municipal treasury. Each clerk receiving ballots, statements, tally sheets or envelopes shall retain them until destruction is authorized under s. 7.23 (1).

SECTION 49. 7.53 (1), (2) (cm) and (4) of the statutes are amended to read:

7.53 (1) MUNICIPALITIES WITH ONE POLLING PLACE. Where the municipality constitutes one ward or combines all wards to utilize a single polling place under s. 5.15 (6) (b), the canvass shall be conducted publicly under s. 7.51 and the inspectors shall act as the municipal board of canvassers. Upon completion of the canvass and ascertainment of the results by the inspectors, the clerk shall publicly read ~~to the meeting~~ the names of the persons voted for, the number of votes for each person for each office, the names of the persons declared by the inspectors to have won nomination or election to each office and the number of votes cast for and against each referendum question.

(2) (cm) If one or more temporary vacancies on the municipal board of canvassers reduces the number of members to less than 3, the municipal clerk shall appoint a member to fill each vacancy, except in cities of more than 500,000 population. In cities of more than 500,000 population, the executive director of the

board of election commissioners shall serve as a member of the board of canvassers to fill a temporary vacancy on that board. ~~No vacancy may be filled on a board of canvassers during the pendency of a canvass or recanvass.~~

(4) CERTIFICATE OF ELECTION. As soon as the deadline for filing a petition for a recount has passed, the municipal clerk shall issue promptly a certificate of election to each person elected to any municipal office. When a valid petition for a recount is filed, the municipal clerk shall not issue the certificate of election for the office in question until the recount has been completed and the time allowed for filing an appeal has passed, or if appealed until the appeal is decided.

SECTION 50. 7.60 (4) (a), (c) and (d), (5) and (6) of the statutes are amended to read:

7.60 (4) (a) The board of canvassers shall make separate duplicate statements showing the numbers of votes cast for the offices of president and vice president; state officials; U.S. senators and representatives in congress; state legislators; justice; court of appeals judge; circuit judges; municipal judges, if they are elected under s. 755.01 (4); and metropolitan sewerage commissioners, if the commissioners are elected under s. 66.23 (11) (am). For partisan candidates, the statements shall include the political party or principle designation, if any, next to the name of each candidate. The board of canvassers shall also prepare a statement showing the results of any county, vocational district or statewide referendum. Each statement shall state ~~in numbers written out~~ the total number of votes cast in the county for each office; the names of all persons for whom the votes were cast, as returned; the number of votes cast for each person; and the number of votes cast for and against any ~~referendum question. One submitted at a referendum.~~ The board of canvassers shall use one copy of the statement shall be used to report to the elections board or vocational district board and shall file the other statement shall be filed in the office of the county clerk or board of election commissioners.

(c) In preparing the statements and determinations, ~~persons not regularly nominated and receiving the board of canvassers shall carefully review the tally sheets and inspectors' statement. The board of canvassers may omit the names of individuals whose names do not appear on the ballot and who receive a comparatively small number of votes may be omitted and their votes designated.~~ The board of canvassers shall designate votes received by such individuals as scattering votes. Appended The board of canvassers shall append to each statement and determination ~~shall be a tabulation of the votes cast at each polling place election district, ward or combination of wards authorized under s. 5.15 (6) (b) in the county for each office and person entering into the canvass and listed in the statement each individual, whether the votes are canvassed or not, as well as the total canvassed votes cast for each person individual and each office, except~~

where scattering votes are designated. If any votes were are rejected, the board of canvassers shall specify the reasons shall be specified therefor.

(d) Each statement and determination issued under pars. (a) and (b) shall be certified as correct and attested to by each canvasser's signature. ~~For state legislators, the statement shall include the post office address and party designation.~~

(5) REPORTING. Immediately following the canvass the county clerk shall deliver or send to the elections board, by 1st class mail, a certified copy of each statement of the county board of canvassers for president and vice president; state officials; senators and representatives in congress; state legislators; justice; court of appeals judge; circuit judge; municipal judge, if elected under s. 755.01 (4); and metropolitan sewerage commissioners, if the commissioners are elected under s. 66.23 (11) (am). The statement shall record the returns for each office or referendum by ward, unless combined returns are authorized under s. 5.15 (6) (b) in which case the statement shall record the returns for each group of combined wards. Following primaries the county clerk shall enclose on blanks furnished prescribed by the elections board the names, party or principle designation, if any, and number of votes received by each candidate recorded in the same manner. The county clerk shall deliver or transmit the certified statement to the elections board no later than 7 days after each primary and no later than 10 days after any other election. The board of canvassers shall deliver or transmit a certified copy of each statement for any vocational district referendum to the secretary of the district board of vocational, technical and adult education. If the board of canvassers becomes aware of a material mistake in the canvass of an election for state or national office or a statewide or vocational district referendum prior to the close of business on the day the elections board receives returns from the last county board of canvassers with respect to that canvass, the board of canvassers may petition the elections board to reopen and correct the canvass. The elections board shall direct the canvass to be reopened and corrected if it determines that the public interest so requires. If the elections board directs the canvass to be reopened, the board of canvassers shall reconvene and transmit a certified corrected copy of the canvass statement to the elections board or secretary of the district board of vocational, technical and adult education.

(6) CERTIFICATE OF ELECTION. Immediately after expiration of the time allowed to file a petition for a recount the county clerk shall issue a certificate of election to each person ~~having the largest number of votes for who is elected to any county office and to each person who is elected to the office of party committeeman or committeewoman.~~ The certificate notice shall state the amount of the required official bond, if any. When a petition for a recount is filed, the county clerk shall not issue the certificate of election

for the office in question until the recount has been completed and the time allowed for filing an appeal has passed, or if appealed until the appeal is decided.

SECTION 50m. 7.70 (3) (g) of the statutes is amended to read:

7.70 (3) (g) The Following each primary election, the board of state canvassers shall prepare a statement certifying the results of the primary, which shall indicate the names of the persons who have won nomination to any state or national office. Following each other election, the board of state canvassers shall certify the statements to be correct and shall determine prepare a statement certifying the results of the election and shall attach to the statement a certificate of determination which shall indicate the names of persons who have been elected to the various offices. They any state or national office. The board of state canvassers shall likewise determine the outcome of prepare a statement and certificate for any referenda questions. Following each primary election, the board of state canvassers shall prepare a statement certifying the names of those persons who have won nomination to any state or national office. Except for the primary election statements, each statement shall have the certificate of determination attached to it and statewide referendum. The board of state canvassers shall be delivered deliver each statement and determination to the elections board.

SECTION 51. 8.05 (1) (b), (e), (g) and (j) of the statutes are amended to read:

8.05 (1) (b) Whenever a caucus is held, the municipal clerk shall give notice of the time and date, time and place for the caucus by posting in his office and by one publication in a newspaper under ch. 985, at least 5 days before the date of the caucus.

(e) Nominations shall be made for one office at a time. Candidates Nominations for the office of town supervisor when supervisors are elected jointly to unnumbered seats and nominations for the office of village trustee shall be considered one office for purposes of nomination and election together, and each elector voting at the caucus may cast as many votes as there are seats to be filled at the election.

(g) The voting for each office shall be by ballot, but the caucus ~~chairman~~ chairperson may dispense with voting by ballot when only one or 2 persons are nominated for the same office.

(j) The municipal clerk shall notify in writing each candidate whose name is certified as a nominee under par. (h) of his or her nomination. Upon receipt of the notice, each candidate shall file a declaration of candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the notification no later than 5 p.m. on the 5th day after the notification is mailed or personally delivered to the candidate by the municipal clerk. If the candidate has not filed a registration statement under s. 11.05 at the time of the notification, the candidate shall file the statement with the declaration. A candidate for municipal judge shall

also file a statement of economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m. on the 5th day after notification of nomination is mailed or personally delivered to the candidate by the municipal clerk. Upon receipt of the declaration of candidacy and registration statement of each qualified candidate, and upon filing of a statement of economic interests by each candidate for municipal judge, the municipal clerk shall place the name of the candidate on the ballot. No later than the end of the 3rd day following qualification by all candidates, the municipal clerk shall draw lots to determine the arrangement of candidates' names on the spring election ballot.

SECTION 52. 8.05 (1) (k) of the statutes is created to read:

8.05 (1) (k) Within 10 days of the date of the original caucus, the town board chairperson or the village president may reconvene the caucus to correct any procedural error or to nominate a candidate for a position for which no candidate was nominated at the original caucus. The municipal clerk shall give notice of the reconvened caucus as provided in par. (b).

SECTION 53. 8.12 (1) (b) and (3) of the statutes are amended to read:

8.12 (1) (b) On the last Tuesday in January in each year in which electors for president and vice president are to be elected, there shall be convened in the capitol a committee consisting of, for each party filing a certification under this subsection, the state chairman of that state party organization or the chairman's designee, one national committeeman and one national committeewoman designated by the state chairman; the speaker ~~or~~ and the minority leader of the assembly or their designees, and the president ~~or~~ and the minority leader of the senate or their designees. All designations shall be made in writing to the board. This committee shall organize by selecting an additional member who shall be the chairman and shall determine, and certify to the board no later than on the Friday following the last Tuesday in January, the names of all candidates of the political parties represented on the committee for the office of president of the United States. The committee shall place the names of all candidates whose candidacy is generally advocated or recognized in the national news media throughout the United States on the ballot, and may, in addition, place the names of other candidates on the ballot. The committee shall have sole discretion to determine that a candidacy is generally advocated or recognized in the national news media throughout the United States.

(3) REPORTING OF RESULTS. No later than ~~the last Monday in April~~ May 15 following the presidential preference vote, the board shall notify each state party organization chairperson under sub. (1) (b) of the results of the presidential preference vote cast within the state and within each congressional district.

SECTION 54. 8.16 (1) and (2) (intro.) and (a) of the statutes are amended to read:

8.16 (1) ~~The~~ Except as provided in sub. (2), the person who receives the greatest number of votes for an office on ~~any~~ a party ballot at a ~~any~~ partisan primary, regardless of whether the person's name appears on the ballot, shall be the party's candidate for the office, and ~~that the~~ person's name shall so appear on the official ballot at the next election. All independent candidates shall appear on the general election ballot regardless of the number of votes received by such candidates at the September primary.

(2) (intro.) A person who receives only write-in votes shall not appear on the ballot as the candidate of a recognized political party for an office whenever no candidate's name appears on the ballot for that office unless the person receives at least 5% of the vote cast in the jurisdiction or district for the party's gubernatorial candidate at the last general election or the number of votes equivalent to the minimum number of signatures required on nomination papers for that office under s. 8.15 (6), whichever is greater, and unless:

(a) The person files a declaration of candidacy under s. 8.21 no later than 5 p.m. on the 3rd day after notification of nomination is mailed or personally delivered to the person by the filing officer or agency for the office sought;

SECTION 55. 8.17 (1) (b) of the statutes is amended to read:

8.17 (1) (b) Each political party shall elect one committeeman or committeewoman from each election district. In this section, each village, each town and each city is an "election district"; except that in cities having a population of more than 7,500 which are divided into aldermanic districts, each aldermanic district is an "election district"; and in cities having a population of more than 7,500 which are not divided into aldermanic districts and villages or towns having a population of more than 7,500, each ward or group of combined wards under s. 5.15 (6) (b) constituting a polling place on ~~April~~ June 1 of the year in which committeemen or committeewomen are elected is an "election district". To be eligible to serve as its committeeman or committeewoman, an individual shall be, at the time of filing nomination papers or at the time of appointment under this section, a resident of the election district which he or she is chosen to represent and shall be at least 18 years of age.

SECTION 56. 8.20 (9) of the statutes is amended to read:

8.20 (9) Persons nominated by nomination papers without a recognized political party designation shall be placed on the official ballot at the general election and at any partisan election to the right or below the recognized political party candidates in their own column or row designated "Independent". At the September primary, persons nominated for state office by nomination papers without a recognized political party designation shall be placed on a separate ballot or row on the voting machine designated "Indepen-

dent". If the candidate's name already appears under a recognized political party it may not be listed again on the independent ballot, column or row.

SECTION 57. 8.21 of the statutes is amended to read:

**8.21 Declaration of candidacy.** Each candidate, except a candidate for presidential elector under s. 8.20 (2) (d), shall file ~~with his or her nomination papers~~ a declaration of candidacy, no later than the latest time provided for filing nomination papers under s. 8.10 (2) (a), 8.15 (1), 8.17 (2), 8.20 (8) (a) or 8.50 (3) (a), or the time provided under s. 8.16 (2) or 8.35 (2) (c). A candidate shall file the declaration with the officer or agency with which nomination papers are filed for the office which the candidate seeks, or if nomination papers are not required, with the clerk or board of election commissioners of the jurisdiction in which the candidate seeks office. The declaration shall be sworn to before any officer authorized to administer oaths, and shall state that he or she the signer is a candidate for a named office, that he or she meets or will at the time he or she assumes office meet applicable age, citizenship, residency or voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and of this state, and that he or she will otherwise qualify for office if nominated and elected. The declaration shall include the candidate's name in the form in which it will appear on the ballot. Each candidate for state and local office shall include in the declaration a statement that he or she has not been convicted of any infamous crime for which he or she has not been pardoned and a list of all felony convictions for which he or she has not been pardoned. ~~Each~~ In addition, each candidate for state or local office shall ~~also~~ include in the declaration a statement that discloses his or her municipality of residence for voting purposes, and the street and number, if any, on which the candidate resides. The declaration is valid with or without the seal of the officer who administers the oath. A candidate for state or local office shall file an amended declaration under oath with the same officer or agency ~~with whom nomination papers are filed if he or she~~ any information contained in the declaration changes his or her residence for voting purposes to a location outside the jurisdiction or district in which the candidate seeks office at any time after the original declaration is filed and prior to assuming before the candidate assumes office or being is defeated for election or nomination.

SECTION 57g. 8.25 (4) (b) 1 of the statutes is amended to read:

8.25 (4) (b) 1. The regular full term of office of the state superintendent commences on the first Monday of July, next succeeding the superintendent's election.

SECTION 57r. 8.30 (1) (intro.) and (3) of the statutes are amended to read:

8.30 (1) (intro.) Except as otherwise provided in this section, the official or agency with whom ~~nominat-~~

~~tion papers~~ declarations of candidacy are required to be filed may refuse to place the candidate's name on the ballot:

(3) The official or agency with whom ~~nomination papers~~ declarations of candidacy are required to be filed may not place a candidate's name on the ballot if the official or agency is prohibited from doing so under s. 19.43 (4) or an ordinance adopted under s. 19.59 (3) (b).

SECTION 58. 8.30 (4) of the statutes is created to read:

8.30 (4) The official or agency with whom a declaration of candidacy is required to be filed may not place a candidate's name on the ballot if the candidate fails to file a declaration of candidacy within the time prescribed under s. 8.21.

SECTION 58m. 8.35 (2) (a) of the statutes is amended to read:

8.35 (2) (a) If a vacancy occurs after nomination due to the death of a candidate of a recognized political party for a partisan office, other than party committeeman or committeewoman, the vacancy may be filled by the ~~chairman~~ chairperson of the committee of the proper political party under s. 7.38 (3), or the personal campaign committee, if any, in the case of independent candidates. Similar vacancies in nominations of candidates for nonpartisan ~~county or municipal local~~ offices may be filled by the candidate's personal campaign committee or, if the candidate had none, by the ~~governing body of the municipality or county which governs the local governmental unit in which the deceased person was a candidate for office. The chairperson, chief officer of the committee, or clerk of the body making an appointment shall file a certificate of appointment with the official or agency with whom~~ declarations of candidacy for the office are filed. For purposes of this paragraph, the official or agency ~~with whom nomination papers are filed~~ need not recognize members of a personal campaign committee whose names were not filed under s. 11.05 prior to the death of the candidate.

SECTION 59. 8.50 (intro.), (1) (a) and (3) (a) and (b) of the statutes are amended to read:

**8.50 Special elections.** (intro.) Unless otherwise provided, this section applies to filling vacancies in the U.S. senate and house of representatives, executive state offices except the offices of governor and ~~lieutenant governor~~, judicial and legislative state offices, county offices and the offices of municipal judge and member of the board of school directors in school districts organized under ch. 119. State legislative offices may be filled in anticipation of the occurrence of a vacancy whenever authorized in sub. (4) (e). ~~In addition to filling vacancies in public office by appointment, vacancies may be filled by election under this section, but no~~ No special election may be held after February 1 preceding the spring election unless it is held on the same day as the spring election, nor after September 1 preceding the general election unless it is

held on the same day as the general election, until the day after that election. If the special election is held on the day of the general election, the primary for the special election, if any, shall be held on the day of the September primary. If the special election is held on the day of the spring election, the primary for the special election, if any, shall be held on the day of the spring primary.

(1) (a) When there is to be a special election, ~~the special election for governor shall be ordered by the attorney general; the special election for county clerk shall be ordered by the sheriff; the special election for any other county office shall be ordered by the county clerk except as provided in s. 17.21 (5); the special election for school board member in a school district organized under ch. 119 shall be ordered by the school board; the special election for municipal judge shall be ordered by the mayor, president or chairman of the municipality, except in 1st class cities; and all other special elections shall be ordered by the governor. When the governor or attorney general issues the order, it shall be filed and recorded in the office of the board. When the county clerk or sheriff issues the order, it shall be filed and recorded in the office of the county clerk. When the county executive issues the order, it shall be filed in the office of the county board of election commissioners. When the school board of a school district organized under ch. 119 issues the order, it shall be filed and recorded in the office of the city board of election commissioners. When the mayor, president or chairman issues the order, it shall be filed in the office of the municipal clerk or city board of election commissioners.~~

(3) (a) Nomination papers may be circulated no sooner than the day the order for the special election is filed and shall be filed not later than 5 p.m. 28 days before the day that the special primary will or would be held, if required, except when a special election is held concurrently with the spring election or general election, the deadline for filing nomination papers shall be specified in the order and the date shall be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no later than 35 days prior to the date of the spring or September primary. Nomination papers may be filed in the manner specified in s. 8.10, 8.15 or 8.20. Each candidate shall file a declaration of candidacy in the manner provided in s. 8.21 no later than the latest time provided in the order for filing nomination papers. If a candidate for state or local office has not filed a registration statement under s. 11.05 at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the ethics board no later than the end of the 3rd day following the last day for filing nomination papers specified in the order.

(b) Except as otherwise provided in this section, the provisions for September primaries under s. 8.15 are applicable to all partisan primaries held under this sec-



tion, and the provisions for spring primaries under s. 8.10 are applicable to all nonpartisan primaries held under this section. In a special partisan primary or election, the order of the parties on the ballot shall be the same as provided under s. 5.62 (1) or 5.64 (1) (b). Independent candidates for state office at a special partisan election shall not appear on the primary ballot. No primary is required for a nonpartisan election in which not more than 2 candidates for an office appear on the ballot or for a partisan election in which not more than one candidate for an office appears on the ballot of each recognized political party. In every special election except a special election for nonpartisan state office where no candidate is certified to appear on the ballot, a space for write-in votes shall be provided on the ballot, regardless of whether a special primary is held.

SECTION 59g. 8.50 (4) (f) of the statutes is renumbered 8.50 (4) (f) 1 and amended to read:

8.50 (4) (f) 1. A Except as provided in subds. 2 and 3, a vacancy in the office of justice, court of appeals judge or circuit judge occurring in any year after the date of the spring election and on or before December 1 shall be filled, if in the office of circuit judge, at the succeeding spring election; if in the office of court of appeals judge, at the first succeeding spring election when no other court of appeals judge is to be elected from the same court of appeals district; or, if in the office of justice, at the first succeeding spring election when no other justice is to be elected. A vacancy in the office of justice, court of appeals judge or circuit judge occurring after December 1 and on or before the date of the succeeding spring election shall be filled, if in the office of circuit judge, at the 2nd succeeding spring election; if in the office of court of appeals judge, at the first spring election, beginning with the 2nd succeeding spring election, when no other court of appeals judge is to be elected from the same court of appeals district; or, if in the office of justice, at the first spring election, beginning with the 2nd succeeding spring election, when no other justice is to be elected.

SECTION 59h. 8.50 (4) (f) 2 to 4 of the statutes are created to read:

8.50 (4) (f) 2. If a vacancy in the office of justice, court of appeals judge or circuit judge occurs after December 1 and on or before the date of the succeeding spring election as the result of the resignation of the incumbent, if an election for that seat is scheduled to be held at the succeeding spring election and if the incumbent is not a candidate to succeed himself or herself, the vacancy shall be filled at the regularly scheduled election.

3. If a vacancy in the office of justice, court of appeals judge or circuit judge occurs after the date of the spring election for that seat and before the succeeding August 1 as the result of the resignation of the incumbent and the incumbent is not elected to succeed himself or herself, the vacancy shall be filled by the individual who was elected at the regularly scheduled

election. If no individual is elected at the regularly scheduled election or if the individual who is elected dies or declines to serve, the vacancy shall be filled under subd. 1.

4. All vacancies filled under subds. 1 and 2 are for a full term commencing on August 1 succeeding the spring election at which they are filled.

SECTION 60. 8.55 of the statutes is repealed and recreated to read:

**8.55 Special referenda.** (1) Whenever a special referendum is called, the clerk of the jurisdiction which calls the special referendum shall publish a type A notice of the special referendum on the 4th Tuesday preceding the special referendum.

(2) The clerk of the jurisdiction which calls a special referendum shall publish type B and C notices of the special referendum on the day preceding the special referendum.

(3) Whenever a special county referendum is called, the municipal clerk of each municipality which is wholly or partly contained within the county shall publish type D and E notices of the special referendum at the times specified in s. 10.06 (3). Whenever a special municipal referendum is called, the municipal clerk of that municipality shall publish type D and E notices of the special referendum at the times specified in s. 10.06 (3). Whenever a special referendum is called by a special purpose district, the clerk of the jurisdiction which calls a special referendum shall publish type D and E notices of the referendum at the times specified in s. 10.06 (4). If an election for national, state, county or municipal office or a state, county or municipal referendum is called in a municipality on the same day that a special referendum is called by a special purpose district in the same municipality, the type D and E notices shall be published only by the municipal clerk.

(4) Whenever the clerks of more than one jurisdiction are required under this section to publish the same notice on the same day, they may publish one notice only and share the cost under s. 10.07 (1).

SECTION 61. 9.01 (2) and (6) (a) of the statutes are amended to read:

9.01 (2) NOTICE TO CANDIDATES. When the recount concerns a candidate, notification of the intent to file a petition shall first be sent by the petitioner by registered mail or served by the petitioner in the manner provided for service of a summons in civil actions in circuit court on an election for an office, the clerk or body with whom the petition is filed shall promptly prepare a copy of the petition for delivery to each opposing candidate at the address given on the candidate's nomination papers for the same office whose name appears on the ballot. In a recount proceedings proceeding for a partisan primary, the notice to the candidates shall be served on clerk or body shall prepare a copy of the petition for delivery to each opposing candidate candidate for the same party nomination and on for the same office, to each oppos-

~~ing candidates of~~ candidate for the party nomination of each other parties party for the same office and to each independent candidates candidate qualifying to have ~~their names~~ his or her name placed on the ballot for the succeeding election. ~~The petition and the affidavit of service upon each opposing candidate shall be filed with the proper clerk or agency body shall then promptly deliver the copies of the petition to the sheriff, who shall promptly deliver the copies of the petition to each candidate at the address given on the candidate's nomination papers, without fee, in the manner provided for service of a summons in civil actions.~~

(6) (a) Within 5 business days after completion of the recount determination by the board of canvassers in all counties concerned, or within 5 business days after completion of the recount determination by the board of state canvassers whenever a determination is made by that body, any candidate, or any elector when for a referendum, aggrieved by the recount may appeal to circuit court. The appeal shall commence by serving a written notice of appeal on the other candidates and persons who filed a written notice of appearance before each board of canvassers whose decision is appealed, or in the case of a statewide recount, before the board of state canvassers. The appellant shall also serve notice on the elections board if the board of state canvassers is responsible for determining the election. The appellant shall serve the notice shall be served in person upon each candidate's representative before the board of canvassers, if any, and shall be served upon candidates and other persons by certified mail or in person. The appellant shall file the notice with the clerk of circuit court together with an undertaking and surety in the amount approved by the court, conditioned upon the payment of all costs taxed against the appellant.

SECTION 62. 9.10 (1) (d), (2) (d) and (L) and (3) (b) of the statutes are amended to read:

9.10 (1) (d) The official or agency with whom ~~nomin~~ ation papers declarations of candidacy are filed for each office shall determine and certify to any interested person the number of signatures required on a recall petition for that office.

(2) (d) No petition may be offered for filing for the recall of an officer unless the petitioner first ~~registers~~ files a registration statement under s. 11.05 (1) or (2) with the filing officer with whom the petition is filed. The petitioner shall append to the registration a statement indicating his or her intent to circulate a recall petition and the name of the officer for whom recall is sought. The petitioner may circulate a petition at any time after completing registration. The last date the petition may be offered for filing is 5 p.m. on the 60th day commencing after registration. After the recall petition has been offered for filing, no name may be added or removed. No signature may be counted unless the date of the signature is within the 60-day period provided in this paragraph.

(4) (L) If a challenger establishes that an individual is ineligible to sign the petition ~~other than in the circumstances set forth in par. (f),~~ the signature may not be counted.

(3) (b) Within 20 days after the petition is offered for filing, the officer against whom the petition is filed may file a written challenge with the official, specifying any alleged insufficiency. If a challenge is filed, the petitioner may file a written rebuttal to the challenge with the official within 10 days after the challenge is filed. If a rebuttal is filed, the official against whom the petition is filed may file a reply to any new matter raised in the rebuttal within 3 days after the rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a reply to a rebuttal, the official shall file the certificate or an amended certificate. Within 3 45 days after the petition is offered for filing, the official with whom the petition is left offered for filing shall determine by careful examination whether the petition is sufficient and so state in a certificate attached to the petition. Upon application to the circuit court for the county in which the filing office is located, the court may grant the filing officer or agency not more than 7 additional days for examination of the petition upon showing of cause for an extension of the examination period. Upon further application, the court may further extend the examination period upon showing of cause for an additional extension. If the petition is found to be insufficient, the certificate shall state the particulars creating the insufficiency. The petition may be amended to correct any insufficiency within 5 days following the affixing of the original certificate. Within 2 days after the offering of the amended petition for filing, it shall again be carefully examined to determine sufficiency and a certificate stating the findings shall be attached. An allegation that the petition has not been carefully examined and that an insufficiency exists may be made by mandamus action only. Immediately upon finding an original or If the official finds that the amended petition is sufficient, the official shall file the petition and call a recall election to be held on the Tuesday of the 6th week commencing after the date of filing of the petition, or the date of amended filing if the petition is amended. If Tuesday is a legal holiday, the recall election shall be held on the first day after Tuesday which is not a legal holiday. If the official finds that the petition is insufficient, the certificate shall state the particulars creating the insufficiency. The petition may be amended to correct any insufficiency within 5 days following the affixing of the original certificate. Within 5 days after the offering of the amended petition for filing, the official with whom the petition is filed shall again examine the petition to determine sufficiency and shall attach a certificate stating the findings. Upon showing of good cause, the circuit court for the county in which the petition is offered for filing may grant an extension of any of the time periods provided in this paragraph.

SECTION 63. 9.10 (3) (bm) of the statutes is created to read:

9.10 (3) (bm) Within 7 days after an official makes a final determination of sufficiency or insufficiency of a recall petition under par. (b), the petitioner or the officer against whom the recall petition is filed may file a petition for a writ of mandamus or prohibition with the circuit court for the county where the recall petition is offered for filing. Upon filing of such a petition, the only matter before the court shall be whether the recall petition is sufficient. The court may stay the effect of the official's order while the petition is under advisement and may order the official to revise the election schedule contained in the order if a revised schedule is necessitated by judicial review. Whenever the recall petitioner files a petition under this paragraph, the officer against whom the recall petition is filed shall be a party to the proceeding. The court shall give the matter precedence over other matters not accorded similar precedence by law.

SECTION 64. 9.10 (3) (e) and (4) (a) of the statutes are amended to read:

9.10 (3) (e) For any partisan office, a recall primary shall be held for each political party which is entitled to a separate ballot under s. 5.62 (1) (b) or (2) and from which more than one candidate competes for the party's nomination in the recall election. The primary ballot shall be prepared in accordance with s. 5.62, insofar as applicable. The person receiving the highest number of votes in the recall primary for each political party shall be that party's candidate in the recall election. Independent candidates shall be shown on the ballot for the recall election only.

(4) (a) For the recall of any city, village, town or school district official, the municipal clerk or board of election commissioners or school district clerk shall determine by careful examination the sufficiency of the petition and shall so state in a certificate attached to the petition. If the petition is found to be insufficient, the certificate shall state the particulars creating the insufficiency. The petition may be amended to correct any insufficiency within 5 days following the affixing of the original certificate. Within 2 days after the offering of the amended petition for filing, it the clerk or board of election commissioners shall again be carefully examined examine the petition to determine sufficiency and a shall attach to the petition a certificate stating the findings shall be attached. Immediately upon finding an original or amended petition sufficient, the municipal clerk or board of election commissioners or the school district clerk shall transmit the petition to the clerk of circuit court.

SECTION 65. 10.01 (2) (a) to (e) of the statutes are amended to read:

10.01 (2) (a) Type A--The type A notice shall be entitled "Notice of Election". The notice shall list the date of the election; ~~the offices.~~ For an election to fill any office, the notice shall list each office to be filled and the incumbent for each; the length of the term of

each office and the expiration date of the term; and the beginning date for circulating and, the place and deadline for filing declarations of candidacy and nomination papers, where required, for the offices each office listed. ~~Whenever an election for candidates to be elected from districts is noticed, the notice shall contain a statement specifying where information concerning district boundaries may be obtained and the date of the primary election, if required.~~ If a redistricting since the most recent election makes the description of the incumbent's office of limited usefulness, the notice may contain supplementary information describing the territory in which an election is to be held. For an election at which a referendum is held, the notice shall contain the text of the question and a statement specifying where a copy of the resolution directing submission of the question may be obtained. Whenever an election is noticed to be held within a district, the notice shall contain a statement specifying where information concerning district boundaries may be obtained. The type A notice shall be published once by the county clerks ~~clerk of each county for each national, state or county election, and, once by the clerk of each municipality or special purpose district for municipal elections, once by the municipal clerks each municipal or special purpose district election,~~ at the times designated in s. 10.06.

(b) Type B--The type B notice shall ~~give include~~ the relevant facsimile ballots and the relevant portions of voting instructions to electors under s. 10.02 for each office or referendum and shall specify the date of the primary or election. In counties or municipalities where an electronic voting system employing a ballot label and ballot card is used, the notice shall include the information specified in s. 5.94. ~~This~~ The type B notice shall be published once by the county clerks, and for municipal primaries and other elections in municipalities or special purpose districts, once by the municipal clerks clerk of the municipality or special purpose district on the Monday day preceding an each primary and other election. ~~If there is no newspaper published within the municipality, the governing body of the municipality may choose to post 3 notices in lieu of publication. Whenever posting is used, the notices shall be posted at least one week before the election for which the posting is intended to give notice.~~

(c) Type C--The type C notice shall be entitled "Notice of Referendum". The notice shall be given whenever a referendum ~~question is submitted to a vote of the people held.~~ The notice shall contain the date of the referendum, the entire text of the question and the proposed enactment, if any, as well as an explanatory statement of the effect of either a "yes" or "no" vote. For state questions, the statement shall be prepared by the attorney general. For county questions, the statement shall be prepared by the corporation counsel, or if there is no corporation counsel, by the district attorney. For other questions, the statement shall be pre-

pared by the attorney for the jurisdiction in which the question is ~~proposed~~ submitted. County clerks and, for local referenda questions submitted by municipalities or special purpose districts, ~~municipal clerks~~ the clerk of the municipality or special purpose district shall publish the type C notice once at the same time that the type B notice is published. The type C notice shall be printed in the newspaper as close as possible to that portion of the type B notice showing the facsimile referendum ballot ~~containing the referendum question.~~

(d) Type D--The type D notice shall state the hours the polls will be open and the polling ~~location~~ places to be utilized at the election or shall include a concise statement of how polling ~~location~~ place information may be obtained. In cities over 500,000 population, the board of election commissioners shall determine the form of the notice. In other municipalities, ~~municipal clerks~~ and special purpose districts, the clerk of the municipality or special purpose district shall give the polling ~~location~~ place information ~~as each determines or in the manner the municipal governing body of the municipality or special purpose district decides will most effectively inform the electors.~~ The type D notice shall be published by the municipal clerk or board of election commissioners of each municipality once on the day before each spring primary and election, each special national, state, county or municipal election at which the electors of that municipality are entitled to vote and each September primary and general election. The clerk of each special purpose district which calls a special election shall publish a type D notice on the day before the election, and the day before the special primary, if any, except as authorized in s. 8.55 (3).

(e) Type E--The type E notice shall state the qualifications for absentee voting, the procedures for obtaining an absentee ballot in the case of registered and unregistered voters, and the places and the deadlines for application and return of application. The municipal clerk shall publish ~~one~~ a type E notice on the 4th Tuesday preceding each spring primary and election, and on the 4th Tuesday preceding each September primary and general election, on the 4th Tuesday preceding the primary for each special national, state, county or municipal election if any, on the 4th Tuesday preceding a special county or municipal referendum, and on the 3rd Tuesday preceding each special national, state, county or municipal election to fill an office which is not held concurrently with the spring or general election. The clerk of each special purpose district which calls a special election shall publish a type E notice on the 4th Tuesday preceding the primary for the special election, if any, on the 4th Tuesday preceding a special referendum, and on the 3rd Tuesday preceding a special election for an office which is not held concurrently with the spring or general election except as authorized in s. 8.55 (3).

SECTION 65m. 10.05 of the statutes is amended to read:

**10.05 Posting of notice.** Unless specifically designated elsewhere, this section applies to villages, towns and school districts. Whenever a notice is required to be published, ~~they~~ a village, town or school district may post 3 notices in lieu of publication under ch. 985 whenever there is not a newspaper published within the ~~municipality~~ village, town or school district or whenever the governing body of the village, town or school district chooses to post in order to supplement notice provided in a newspaper. Whenever the manner of giving notice is changed by the governing body, the body shall give notice of the change ~~shall be given~~ in the manner used before the change. Whenever posting is used, the notices shall be posted no later than the day prescribed by law for publication, or if that day falls within the week preceding the election to be noticed, at least one week before the event for which the posting intends to serve notice election. All notices given for the same election shall be given in the same manner.

SECTION 66. 10.06 (1) (e) and (i) of the statutes are amended to read:

10.06 (1) (e) As soon as possible following the state canvass of the spring primary vote, but no later than the first Tuesday in March, the board shall send a type B notice certifying to each county clerk the list of candidates for the spring election. When no primary is held, this notice shall be sent under par. (c). The board shall also in any case send a certified list of candidates under s. 11.50 to the state treasurer pursuant to s. 7.08 (2) (c). When there ~~are referenda questions is a referendum,~~ the board shall send a type A and C notice notices certifying ~~the questions each question~~ to the county clerks as soon as possible, but no later than the first Tuesday in March.

(i) As soon as possible after the state canvass, but no later than the 4th Tuesday in September, the board shall send a type B notice certifying the list of candidates and a type A and C notice notices certifying ~~each question for any referenda questions referendum~~ to each county clerk for the general election and a certified list of candidates under s. 11.50 to the state treasurer pursuant to s. 7.08 (2) (c).

SECTION 66c. 10.06 (2) (f) and (L) of the statutes are created to read:

10.06 (2) (f) On the 4th Tuesday preceding the spring election, the county clerk shall publish a type A notice of any state or county referendum to be held at the election.

(L) On the 4th Tuesday preceding the general election, the county clerk shall publish a type A notice of any state or county referendum to be held at the election.

SECTION 66g. 10.06 (2) (n) and (3) (as), (bs), (c), (cm) and (d) of the statutes are amended to read:

10.06 (2) (n) ~~At least 30 days prior to~~ On the 4th Tuesday preceding any special primary or election for

national, state or county office, or any special county referendum, the county clerk shall publish a type A notice. ~~At least 30 days prior to any special state or county referendum not scheduled to be held concurrently with any other election, the county clerk shall publish a notice of the date of the referendum, the text of the question to be voted upon at the referendum and the procedure for obtaining an absentee ballot.~~ On the Monday day preceding any special primary or election for national, state or county office, the county clerk shall publish a type B notice. On the Monday day preceding a special state ~~or~~ county referendum, the county clerk shall publish a type B and C ~~notice~~ notices for the special referendum, if any.

(3) (as) On the 4th Tuesday preceding the spring primary, when held, the municipal clerk shall publish a type E notice. In cities, the municipal clerk shall publish a type A notice on the 4th Tuesday preceding the spring primary of any direct legislation questions to be voted on at the primary.

(bs) On the 4th Tuesday preceding the spring election, the municipal clerk shall publish a type E notice. If there are municipal referenda, the municipal clerk shall publish a type A notice of the referenda at the same time.

(c) On the Monday before the ~~municipal~~ spring election, the municipal clerk shall publish a type B notice and a type D notice. If there are any municipal referenda questions, the municipal clerk shall publish a type C notice at the same time.

(cm) On the 4th Tuesday preceding the September primary and general election, when held, the municipal clerk shall publish a type E notice. If there are municipal referenda, the municipal clerk shall publish a type A notice of the referenda at the same time.

(d) ~~The municipal clerk shall publish a type D notice on~~ On the day Monday preceding every the general election, the municipal clerk shall publish a type D notice. If there are municipal referenda, the municipal clerk shall publish type B and C notices at the same time.

SECTION 66n. 10.06 (3) (f) and (4) of the statutes are amended to read:

10.06 (3) (f) At least 30 40 days prior to any special primary or election for municipal office, the municipal clerk shall publish a type A notice. At least 30 days On the 4th Tuesday prior to any special primary for national, state, county or municipal office, the municipal clerk shall publish a type E notice. On the 3rd Tuesday prior to any special election for national, state, county or municipal office which is not held concurrently with the spring or general election, the municipal clerk shall publish a type E notice. On the 4th Tuesday prior to any special county referendum, the municipal clerk shall publish a type E notice. On the 4th Tuesday prior to any special municipal referendum not scheduled to be held concurrently with any other election, the municipal clerk shall publish a

~~notice of the date of the referendum, the text of the question to be voted upon at the referendum and the procedure for obtaining an absentee ballot type A and E notices.~~ On the Monday day preceding any special primary or election for municipal office, or any special municipal referendum, the municipal clerk shall publish a type B notice. The municipal clerk shall publish a type C notice on the Monday day preceding a special municipal referendum. On the day preceding any special primary or election, including for national, state, county or municipal office, or a special county or municipal referendum, the municipal clerk shall publish a type D notice.

(4) OTHER CLERKS. (b) Unless otherwise provided, at least ~~30~~ 40 days prior to any special primary or election for any office other than a national, state, county or municipal office, the clerk of the jurisdiction ~~holding which calls the primary or election shall publish a type A notice.~~

(g) On the Monday day preceding any primary or election for any office other than a national, state, county or municipal office, the clerk of the jurisdiction holding in which the primary or election is held shall publish a type B notice.

(i) On the Monday day preceding any referendum other than a state, county or municipal referendum, the clerk of the jurisdiction holding which calls the referendum shall publish a type B and C ~~notice for the referendum notices.~~

SECTION 66r. 10.06 (4) (a), (c) to (f) and (h) of the statutes are created to read:

10.06 (4) (a) Unless otherwise provided, on the 4th Tuesday in November preceding an election for any office other than a national, state, county or municipal office, the clerk of the jurisdiction in which the election is held shall publish a type A notice.

(c) On the 4th Tuesday prior to any referendum other than a county or municipal referendum, the clerk of the jurisdiction which calls the referendum shall publish a type A notice.

(d) On the 4th Tuesday prior to any special primary for any office other than a national, state, county or municipal office, the clerk of the jurisdiction which calls the election for which the primary is held shall publish a type E notice.

(e) On the 3rd Tuesday prior to any special election for an office other than a national, state, county or municipal office which is not held concurrently with the spring or general election, the clerk of the jurisdiction which calls the election shall publish a type E notice.

(f) On the 4th Tuesday prior to any special referendum other than a county or municipal referendum, the clerk of the jurisdiction which calls the referendum shall publish a type E notice.

(h) On the day preceding any special primary or election for any office other than a national, state, county or municipal office, the clerk of the jurisdiction which calls the election shall publish a type D notice.

SECTION 66w. 11.01 (18) of the statutes is renumbered 5.02 (16s) and amended to read:

5.02 (16s) "Referendum" means ~~any~~ an election at which an advisory, validating or ratifying question ~~to be~~ is submitted to the electorate.

SECTION 67. 11.05 (1) and (2) of the statutes are amended to read:

11.05 (1) COMMITTEES AND GROUPS. ~~Every~~ Except as provided in s. 9.10 (2) (d), every political party committee, every other political committee other than a personal campaign committee, and every political group under s. 11.23 which makes or accepts contributions, incurs obligations or makes disbursements in a calendar year in an aggregate amount in excess of \$25 shall file a statement with the appropriate filing officer giving the information required by sub. (3). In the case of any committee other than a personal campaign committee, the statement shall be filed by the treasurer. A personal campaign committee shall register under sub. (2g) or (2r).

(2) INDIVIDUALS. ~~Every~~ Except as provided in s. 9.10 (2) (d), every individual, other than a candidate or agent of a candidate, who accepts contributions, incurs obligations, or makes disbursements in a calendar year in an aggregate amount in excess of \$25 shall file a statement with the appropriate filing officer giving the information required by sub. (3). An individual who guarantees a loan on which an individual, committee or group subject to a registration requirement defaults is not subject to registration under this subsection solely as a result of such default.

SECTION 69. 11.50 (1) (a) 2 of the statutes is amended to read:

11.50 (1) (a) 2. With respect to a special election, an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election for state superintendent, or an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election for state office on the ballot or column of a party whose candidate for the same office at the preceding general election received at least 6% of the vote cast for all candidates on all ballots for the office, or an individual who has been lawfully appointed and certified to replace either such individual on the ballot at a special election, or an individual who receives at least 6% of the vote cast for all candidates on all ballots for a state office at a partisan special election; and who qualifies for a grant under sub. (2). Where the boundaries of a district in which an individual seeks office have been changed since the preceding general election such that it is not possible to calculate the exact ~~percentage of the vote that is~~ number of votes that are needed by that individual to qualify as an eligible candidate prior to an election under this subdivision, the number of votes cast for all candidates for the office at the preceding general election in each ward, combination of wards or municipality which is wholly contained within the boundaries of the newly formed district shall be calculated. If the candidate of the political party on whose

ballot or column the individual appears in the newly formed district obtained at least 6% of the number of votes calculated, the individual is deemed to qualify as an eligible candidate prior to the election under this subdivision.

SECTION 71. 11.50 (2) (b) 5 of the statutes is amended to read:

11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as of the date of the spring or September primary, or the date that the special primary is or would be held, if required, indicate that the candidate has received at least the amount provided in this subdivision, from contributions of individuals, other than loans, which have been received during the period ending on the date of the spring primary and July 1 preceding such date in the case of candidates at the spring election, or the date of the September primary and January 1 preceding such date in the case of candidates at the general election, or the date of ~~that a special election primary will or would be held, if required,~~ a special election is ordered, whichever is earlier, and 90 days preceding such date ~~or the date~~ a special election is ordered, whichever is earlier, in the case of special election candidates, which contributions are in the aggregate amount of \$100 or less, and which are fully identified and itemized as to the exact source thereof. A contribution received from a conduit which is identified by the conduit as originating from an individual shall be considered a contribution made by the individual. Only the first \$100 of an aggregate contribution of more than \$100 may be counted toward the required percentage. For a candidate at the spring or general election for an office identified in s. 11.26 (1) (a) or a candidate at a special election, the required amount to qualify for a grant is 5% of the candidate's authorized disbursement limitation under s. 11.31. For any other candidate at the general election, the required amount to qualify for a grant is 10% of the candidate's authorized disbursement limitation under s. 11.31.

SECTION 75. 12.13 (2) (title) and (b) 6m of the statutes are created to read:

12.13 (2) (title) ELECTION OFFICIALS.

(b) 6m. Obtain an absentee ballot for voting in a nursing home under s. 6.875 (6) and fail to return the ballot to the issuing officer.

SECTION 76. 12.13 (3) (am) and (j) of the statutes are amended to read:

12.13 (3) (am) Fail to file an amended declaration of candidacy as provided in s. 8.21 with respect to a change in ~~residency for voting purposes~~ information filed in an original declaration within 3 days of the time the amended declaration becomes due for filing; or file a false declaration of candidacy or amended declaration of candidacy. This paragraph applies only to candidates for state or local office.

(j) ~~While assisting~~ When called upon to assist an elector who cannot read or write, has difficulty in reading, writing or understanding English, or is unable to mark or punch a ballot or depress a lever or

button on a voting machine, inform the elector that a ballot contains names or words different than are printed or displayed on the ballot with the intent of inducing the elector to vote contrary to his or her inclination or, intentionally fail to cast a vote in accordance with the elector's instructions or reveal the elector's vote to any 3rd person.

SECTION 77e. 17.03 (10) of the statutes is amended to read:

17.03 (10) If the office is elective, the incumbent's term expires, except for the office of sheriff, coroner, register of deeds or district attorney.

SECTION 77g. 17.19 (2) of the statutes is amended to read:

17.19 (2) JUDICIAL. In the office of justice of the supreme court, court of appeals judge or circuit judge of the circuit court, by temporary appointment by the governor, which shall continue until a successor is elected, as provided in s. 8.50 (4) (f), and qualifies. When so elected the successor shall hold the office for a full term and shall take office on August 1 ~~next~~ succeeding the election.

SECTION 77m. 17.28 of the statutes is amended to read:

**17.28 When officers may hold office.** When no different provision is made in respect thereto, any officer who is elected or appointed to fill a vacancy shall qualify in the manner required by law of the officer in whose stead the officer is elected or appointed. An officer who is elected or appointed to fill a vacancy in an elective office shall enter upon the duties of his or her office immediately upon qualification and, if elected, upon certification of the election result, and shall hold office for the residue of the unexpired term unless removed or recalled in accordance with law except that an officer who is appointed to fill a vacancy in the office of sheriff, coroner, register of deeds or district attorney shall hold office until his or her successor is elected and qualified, unless removed or recalled in accordance with law. An officer who is appointed to fill a vacancy in an appointive office shall enter upon the duties of his or her office immediately upon qualification and shall hold office for the residue of the unexpired term, if any, and until his or her successor is appointed and qualifies unless removed in accordance with law.

SECTION 77s. 20.921 (2) (b) of the statutes, as created by 1987 Wisconsin Act 111, is amended to read:

20.921 (2) (b) The head of each state agency shall deduct from the salary of any employe the amount certified under s. ~~7.03 (3)~~ 7.33 (5) which is received by the employe for service as an election official while the employe is on a paid leave of absence under s. 7.33 (3).

SECTION 78. 38.15 (1) of the statutes, as affected by 1987 Wisconsin Act 27, section 680p, is amended to read:

38.15 (1) Subject to subs. (3) and (4), if the district board intends to make a capital expenditure in excess

of \$500,000, excluding moneys received from gifts, grants or federal funds, for the acquisition of sites, purchase or construction of buildings, the lease/purchase of buildings if costs exceed \$500,000 for the lifetime of the lease, building additions or enlargements or the purchase of fixed equipment relating to any such activity, it shall adopt a resolution stating its intention to do so and identifying the anticipated source of revenue for each project and shall submit the resolution to the electors of the district for approval. The referendum shall be noticed, called and conducted under as provided in s. 67.05 (6m) (b) to (e) (3) insofar as applicable. For the purposes of this section, all projects located on a single campus site within one district which are bid concurrently or which are approved by the board under s. 38.04 (10) within a 2-year period shall be considered as one capital expenditure project.

SECTION 79. 38.15 (1) of the statutes, as affected by 1987 Wisconsin Act 27, section 680pm, is amended to read:

38.15 (1) Subject to subs. (3) and (4), if the district board intends to make a capital expenditure in excess of \$500,000 for the acquisition of sites, purchase or construction of buildings, the lease/purchase of buildings if costs exceed \$500,000 for the lifetime of the lease, building additions or enlargements or the purchase of fixed equipment relating to any such activity, it shall adopt a resolution stating its intention to do so and identifying the anticipated source of revenue for each project and shall submit the resolution to the electors of the district for approval. The referendum shall be noticed, called and conducted under as provided in s. 67.05 (6m) (b) to (e) (3) insofar as applicable. For the purposes of this section, all projects located on a single campus site within one district which are bid concurrently or which are approved by the board under s. 38.04 (10) within a 2-year period shall be considered as one capital expenditure project.

SECTION 80. 60.74 (4) (a) and (b) and (5) (b) of the statutes are amended to read:

60.74 (4) (a) If the commissioners of a district have been appointed, a petition requesting that commissioners be elected may be submitted to the town board responsible for the selection of commissioners under sub. (1) or (2). The petition shall state whether the petitioners wish to have the first commissioners elected at a special election or at the ~~next regular~~ spring election. The petition shall be signed by at least 20% of the qualified electors of the district equal to at least 20% of the vote cast for governor in the district at the last gubernatorial election.

(b) Upon receipt of the petition, the town board shall provide for the election of commissioners. If the petition requests the election of the first commissioners at the spring election and the petition is filed on or after the date of the spring election and on or before November 15 in any year, they shall be elected at the succeeding spring election; otherwise they shall be



elected at the 2nd succeeding spring election. If the petition requests the election of the first commissioners at a special election, the town board shall order the special election ~~shall be scheduled~~ in accordance with s. 8.50 (2) (a). After the first commissioners are elected, all subsequent commissioners shall be elected at ~~a regular~~ the spring election.

(5) (b) A petition signed by ~~at least 20% of the~~ qualified electors of the district equal to at least 20% of the vote cast for governor in the district at the last gubernatorial election, requesting a change to appointment of commissioners, may be submitted to the town board. Upon receipt of the petition, the town board shall submit the question to a referendum at the next regular spring election or general election, or shall call a special election for that purpose. The inspectors shall count the votes and submit a statement of the results to the commission. The commission shall canvass the results of the election and certify the results to the town board which has authority to appoint commissioners.

SECTION 81. 60.74 (6) of the statutes is created to read:

60.74 (6) ELECTOR DETERMINATION. Whenever in this section the number of names of electors required on a petition cannot be determined on the basis of reported election statistics, the number shall be determined as follows:

(a) The area of the district in square miles shall be divided by the area, in square miles, of the municipality in which it lies.

(b) The vote for governor at the last general election in the municipality within which the district lies shall be multiplied by the quotient determined under subd. 1.

(c) If a district is in more than one municipality, the method of determination under subds. 1 and 2 shall be used for each part of the district which constitutes only a fractional part of any area for which election statistics are available.

SECTION 82. 66.021 (2) (a) 1 and (b) of the statutes are amended to read:

66.021 (2) (a) 1. ~~A majority of the~~ number of qualified electors residing in such territory equal to at least the majority of votes cast for governor in the territory at the last gubernatorial election, and either a. the owners of one-half of the land in area within such territory, or b. the owners of one-half of the real property in assessed value within such territory; or

(b) *Annexation by referendum.* A petition for a referendum on the question of annexation may be filed with the city or village clerk signed by ~~20 per cent of the~~ a number of qualified electors residing in the territory equal to at least 20% of the votes cast for governor in the territory at the last gubernatorial election, and the owners of ~~50 per cent~~ 50% of the real property either in area or assessed value.

SECTION 83. 66.021 (2m) of the statutes is created to read:

66.021 (2m) ELECTOR DETERMINATION. Whenever a number of electors cannot be determined on the basis of reported election statistics, the number shall be determined in accordance with s. 60.74 (6).

SECTION 84. 66.022 (3) of the statutes is amended to read:

66.022 (3) The governing body of any city, village or town involved may, or if a petition signed by ~~5% of the~~ a number of qualified electors thereof, as determined by the register of voters on the date of filing of such petition equal to at least 5% of the votes cast for governor in the city, village or town at the last gubernatorial election, demanding a referendum thereon, ~~be~~ is presented to it within 30 days after the passage of either of the ordinances herein provided for, shall, cause the question to be submitted to the electors of the city, village or town whose electors petitioned therefor, at a referendum election called for such purpose within 30 days after the filing of such petition, or after the enactment of either ordinance. Whenever a number of electors cannot be determined on the basis of reported election statistics, the number shall be determined in accordance with s. 60.74 (6). The governing body of the municipality shall appoint 3 election inspectors who shall be resident electors to supervise the referendum. The ballots shall contain the words "For Detachment" and "Against Detachment". The inspectors shall certify the results of the election by their affidavits annexed thereto and file a copy with the clerk of each town, village or city involved, and none of the ordinances so provided for shall take effect nor be in force unless a majority of the electors shall approve the same. The referendum election shall be conducted in accordance with chs. 6 and 7 insofar as applicable.

SECTION 85. 66.024 (2) (a) of the statutes is amended to read:

66.024 (2) (a) If prior to the date set for hearing upon such application, there is filed with the court a petition signed by ~~a majority of the~~ number of qualified electors residing in the territory equal to at least a majority of the votes cast for governor in the territory at the last gubernatorial election or the owners of more than one-half of the real property in assessed value in such territory, protesting against the annexation of such territory, the court shall deny the application for an annexation referendum. Whenever a number of electors cannot be determined on the basis of reported election statistics, the number shall be determined in accordance with s. 60.74 (6).

SECTION 86. 67.05 (3) of the statutes is created to read:

67.05 (3) REFERENDUM PROCEDURE. Whenever a referendum is held under this section, the following procedures shall be used:

(a) 1. The clerk of the jurisdiction in which the referendum is held shall publish a type A notice under s. 10.01 (2) (a) on the 4th Tuesday before the referendum is held.

2. If the referendum is not held in conjunction with a national, state, county or municipal election, the clerk of the jurisdiction in which the referendum is held shall publish a type E notice under s. 10.01 (2) (e) on the 4th Tuesday before the referendum is held. If the referendum is a county or municipal referendum and is not held in conjunction with a national, state, county or municipal election, the municipal clerk of each municipality in which the referendum is held shall publish a type E notice on the 4th Tuesday before the referendum is held.

3. The clerk of the jurisdiction in which the referendum is held shall publish type B and C notices under s. 10.01 (2) (b) and (c) on the day before the referendum is held.

4. If the referendum is not held in conjunction with a national, state, county or municipal election, the clerk of the jurisdiction in which the referendum is held shall publish a type D notice under s. 10.01 (2) (d) on the day before the referendum is held. If the referendum is a county or municipal referendum and is not held in conjunction with a national, state, county or municipal election, the municipal clerk of each municipality in which the referendum is held shall publish a type D notice on the day before the referendum is held.

5. The date for publication of any notice may be changed as provided in s. 10.04 (3) (a).

6. In villages, towns and school districts, posting may be substituted for publication as provided in s. 10.05.

7. Whenever the clerks of more than one jurisdiction are required under this section to publish the same notice on the same day, they may publish one notice only and share the cost under s. 10.07 (1).

(b) The clerk of the jurisdiction in which the referendum is held shall prepare or arrange for the preparation of the ballots. If the jurisdiction in which the referendum is held is not a city, village or town, and the clerk of the jurisdiction in which the referendum is held prepares the ballots, the clerk shall deliver the ballots to the municipal clerk of each city, village or town which is wholly or partly contained within the jurisdiction in which the referendum is held. The form of the ballot shall correspond with the form prescribed by the elections board under ss. 5.64 (2) and 7.08 (1) (a).

(c) Absentee ballots shall be distributed by the municipal clerk or board of election commissioners of each municipality which is contained within the jurisdiction in which the referendum is held.

(d) The question shall contain a statement of the purpose for which bonds are to be issued and the maximum amount of the bonds to be issued.

(e) Election officials appointed under s. 7.30 (4) shall conduct the election in each municipality which is contained within the jurisdiction in which the referendum is held.

(f) If a special purpose district calls a referendum to be held in conjunction with a state, county, municipal or judicial election, the polling places for the state, county, municipal or judicial election shall be the polling places for the special purpose district referendum and the municipal election hours shall apply. If no state, county, municipal or judicial election is held on the day of the special purpose district referendum, the governing body of the special purpose district may set the election hours and the polling places to be used, except as otherwise provided in s. 120.06 (9) (b) in the case of a school district. If a polling place located in the special purpose district that was utilized at the most recent spring or general election is not utilized by the special purpose district, the governing body of the special purpose district shall post a notice on the door of the polling place indicating all polling places open for voting. Election hours set by the governing body of the special purpose district for each polling place shall be the same as those provided by the governing body of the municipality in which the polling place is located, except that if the opening hour is later than 7 a.m., the governing body of the special purpose district may extend the opening hour to not earlier than 7 a.m. The municipal clerk of each municipality in which a polling place is located shall provide the necessary equipment to operate the polling place.

(g) The returns shall be canvassed by the board of canvassers of each municipality which is contained within the jurisdiction in which the referendum is held. When a referendum is held in a special purpose district, the board of canvassers shall canvass and certify the returns of the referendum to the clerk of the district in which the referendum is held. The board of canvassers of the jurisdiction in which the referendum is held shall then determine the result of the referendum. If the jurisdiction does not have a board of canvassers, the clerk of the jurisdiction shall appoint 2 reputable citizens who with the clerk shall constitute the board of canvassers. The board of canvassers may return defective returns to the municipal board of canvassers in the manner provided in s. 7.60 (3). The board of canvassers shall prepare a statement showing the number of votes cast for and against the question and shall prepare a determination showing the result of the referendum. Each statement and determination shall be attested by each of the canvassers. The board of canvassers shall file the statement and determination in the office of the clerk of the jurisdiction.

(h) The cost of the election shall be borne as provided in ss. 5.68 and 7.03.

(i) Any special purpose district may delegate any duty which is imposed upon the clerk of the district in connection with the conduct of a referendum under this section to the municipal clerk or board of election commissioners of each municipality which is contained within the jurisdiction in which the referendum is held. The district may compensate the municipality

for performing such duties at a rate agreed upon between the district and the municipality.

SECTION 87. 67.05 (4) of the statutes, as affected by 1987 Wisconsin Act .... (Assembly Bill 263), is amended to read:

67.05 (4) PERMISSIVE REFERENDUM IN COUNTIES. If a county board adopts an initial resolution for an issue of county bonds to provide for the original construction or for the improvement and maintenance of highways, to provide railroad aid, or to construct, acquire or maintain, or to aid in constructing, acquiring or maintaining a bridge over or across any stream or other body of water bordering upon or intersecting any part of the county, the county clerk is not required to submit the resolution for approval to the electors of the county at a special election unless within 30 days after the adoption thereof there is filed with the clerk a petition requesting such submission, signed by electors numbering at least 10% of the votes cast in the county for governor at the last general election. ~~The calling, holding and conduct of such special election, including the printing and the distribution of ballots, the canvass of votes, and the declaration of the result, shall be governed by those statutes, so far as applicable, which govern special elections in general, including ss. 5.01 (2), 5.64 (2) and 59.04 (2). The notice of such special election and the ballot used thereat shall embody a copy of the initial resolution, and if a petition is filed, the question submitted shall be whether the resolution shall be or shall not be approved. No such resolution of a county board other than those specified in this subsection need be submitted to county electors, except as provided otherwise in sub. (7).~~

SECTION 87g. 67.05 (5) (a) of the statutes is amended to read:

67.05 (5) (a) Whenever an initial resolution has been so adopted by the governing body of a town, the clerk of the municipality shall immediately record the same resolution and call a special election for the purpose of submitting the resolution to the electors of the municipality for approval. This paragraph does not apply to bonds issued to finance low-interest mortgage loans under s. 66.38, unless a number of electors equal to at least 15% of the votes cast for governor at the last general election in their town sign and file a petition with the town clerk requesting submission of the resolution. ~~The calling, holding and conduct of the special election, including the furnishing of printed ballots, the canvass of votes, and the declaration of the result, shall be governed by those statutes, so far as applicable, which govern special elections in general, including ss. 5.01 (2), 5.02 (21), 5.35 (3), 5.60 (7), 5.64 (2), 7.15 (2) (d), 8.06, 9.20 and 60.12 (3). The notice of the special election and the ballot used at the election shall include a copy of the resolution, and Whenever a number of electors cannot be determined on the basis of reported statistics, the number shall be determined in accordance with s. 60.74 (6). If a petition is filed,~~

the question submitted shall be whether the resolution shall or shall not be approved. ~~The ballot may be a separate ballot, or may be printed upon the official ballot, when the special election is held at the same time as a regular town, village or city election. This paragraph is limited in its scope by sub. (7).~~

SECTION 87r. 67.05 (5) (b) of the statutes, as affected by 1987 Wisconsin Act .... (Assembly Bill 263), is amended to read:

67.05 (5) (b) No city or village may issue any bonds for any purposes other than for waterworks, lighting works, gas works, bridges, street lighting, street improvements, street improvement funding, hospitals, airports, harbor improvements, river improvements, breakwaters and protection piers, sewerage, garbage disposal, rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish disposal, parks and public grounds, swimming pools and band shells thereon, veterans housing projects, paying the municipality's portion of the cost of abolishing grade crossings, for the construction of police facilities and combined fire and police safety buildings, for the purchase of sites for engine houses, for fire engines and other equipment of the fire department, for construction of engine houses, and for pumps, water mains, reservoirs and all other reasonable facilities for fire protection apparatus or equipment for fire protection, for parking lots or other parking facilities, for school purposes, for libraries, for buildings for the housing of machinery and equipment, for acquiring and developing sites for industry and commerce as will expand the municipal tax base, for financing the cost of low-interest mortgage loans under s. 66.38, for providing financial assistance to blight elimination, slum clearance, community development, redevelopment and urban renewal programs and projects under ss. 66.405 to 66.425, 66.43, 66.431, 66.4325, 66.435 and 66.46, or for university of Wisconsin system centers, until the proposition for their issue for the special purpose thereof has been submitted to the electors of the city or village and adopted by a majority vote. Except as provided under sub. (15), if the common council of any city or the village board of any village declares its purpose to raise money by issuing bonds for any purpose other than those above specified, it shall direct by resolution, which shall be recorded at length in the record of its proceedings, the clerk to call a special election for the purpose of submitting the question of bonding to the city or village electors. ~~The elections shall be noticed, conducted, canvassed and the result declared under this subsection, except that the notice of the special election and the ballot used at the election need not include a copy of the resolution. The notice shall contain a statement of the purpose and the amount of the bonds proposed to be issued. If a number of electors of a city or village equal to at least 15% of the votes cast for governor at the last general election in their city or village sign and file a petition with the city or village clerk requesting submission of the resolution, the city or village may not issue bonds~~

for financing the cost of low-interest mortgage loans under s. 66.38 without calling a special election to submit the question of bonding to the city or village electors for their approval.

SECTION 88. 67.05 (6a) (intro.) and (a) of the statutes, as affected by 1987 Wisconsin Act .... (Assembly Bill 263), are consolidated, renumbered 67.05 (6a) and amended to read:

67.05 (6a) SCHOOL DISTRICT BONDS, REFERENDUM. Subsections (2) (a) and (6) ~~shall do not~~ apply to the issuing of bonds or the borrowing of money in excess of \$5,000 by any school district ~~but in all such cases the procedure shall be as follows: (a).~~ Except as provided under sub. (15), if the board of any school district, or the electors of ~~any school district~~ at a regularly called school district meeting, by a majority vote adopt an initial resolution to raise an amount of money in excess of \$5,000, by a bond issue, the board shall either direct ~~its the school district~~ clerk to call a special election for the purpose of submitting the initial resolution to the electors for approval or rejection; ~~and the board may specify or shall direct that the election be held on resolution be submitted at the next regularly scheduled primary or regular municipal election in the manner provided in sub. (6b) to be held not earlier than 45 days after the action of the board or electors. The question submitted shall be whether the initial resolution shall or shall not be approved. This subsection does not apply to borrowing by a school district to meet immediate expenses under s. 67.12 (8).~~

SECTION 88m. 67.05 (6a) (b) to (e) and (6b) of the statutes, as affected by 1987 Wisconsin Act .... (Assembly Bill 263), are repealed.

SECTION 92. 67.05 (6m) (a) of the statutes is amended to read:

67.05 (6m) (a) An initial resolution adopted by a vocational, technical and adult education district board for an issue of bonds in an amount of money not exceeding \$500,000 for building remodeling or improvement need not be submitted to the electors of the district for approval unless within 30 days after the initial resolution is adopted there is filed with the vocational, technical and adult education district secretary a petition requesting a referendum thereon. Such a petition shall be signed by electors from each county lying wholly or partially within the district. The number of electors from each county shall equal at least 1.5% of the population of the county as determined under s. 16.96 (2) (c). If a county lies in more than one district, the state board of vocational, technical and adult education shall apportion the county's population as determined under s. 16.96 (2) (c) to the districts involved and the petition shall be signed by electors equal to the appropriate percentage of the apportioned population. Any initial resolution adopted under sub. (1) in an amount of money not exceeding \$500,000 at the discretion of the district board, may be submitted to the electors without waiting for the filing of a petition. All initial resolutions

adopted under sub. (1) in an amount of money in excess of \$500,000 or more for building remodeling or improvement shall be submitted to the electors of the district for approval. If a referendum is duly petitioned or required under this subsection, bonds may not be issued until the electors of the district have approved the issue ~~as provided in par. (e).~~

SECTION 93. 67.05 (6m) (c) to (e) of the statutes are repealed.

SECTION 94. 67.05 (7) (b) and (e) of the statutes, as affected by 1987 Wisconsin Act .... (Assembly Bill 263), are amended to read:

67.05 (7) (b) An initial resolution adopted by the governing body of a city for an issue of bonds for purposes specifically enumerated in sub. (5) need not be submitted to the electors under sub. (5) unless, within 30 days after the adoption thereof, a petition requesting such submission, signed by electors numbering at least 10% of the votes cast for governor in the city at the last general election is filed in the office of the city clerk. ~~But any~~ Whenever a number of electors cannot be determined on the basis of reported statistics, the number shall be determined in accordance with s. 60.74 (6). Any initial resolution may, in the discretion of the governing body, by separate recorded resolution, be submitted to popular vote without a petition.

(e) An initial resolution adopted by the governing body of a city or village for an issue of bonds to create a revolving fund out of which to advance the cost of any work for which special assessments may be levied, in anticipation of the collection by the city or village treasurer of the special assessments, special improvement certificates and improvement bonds, made or issued for the cost thereof, need not be submitted to the electors under sub. (5) unless, within 30 days after the adoption thereof, a petition requesting such submission, signed by electors numbering at least 10% of the votes cast for governor in the city or village at the last general election is filed in the office of the city or village clerk. Whenever a number of electors cannot be determined on the basis of reported statistics, the number shall be determined in accordance with s. 60.74 (6). If such petition ~~be is~~ filed, proceedings shall be had under sub. (5). Any such resolution may, in the discretion of the governing body, by separate recorded resolution, be submitted to popular vote without ~~waiting for the filing of the a~~ petition.

SECTION 94m. 67.12 (8) (b) 1 of the statutes, as affected by 1987 Wisconsin Act .... (Assembly Bill 263), is amended to read:

67.12 (8) (b) 1. The total amount borrowed under par. (a) may not exceed one-half the estimated receipts for the operation and maintenance of the school district for the school year in which the borrowing occurs, as certified by the ~~local~~ school district clerk.

SECTION 95. 67.12 (12) (e) 2 of the statutes, as affected by 1987 Wisconsin Act .... (Assembly Bill 263), is amended to read:

67.12 (12) (e) 2. Unless the purpose and amount of the borrowing have been approved by the electors under s. 67.05 (6a) ~~or (6b)~~ or the purpose is to refund any outstanding municipal obligation, the school district clerk of the school district shall, within 10 days after a school district board adopts a resolution under subd. 1 to issue a promissory note in excess of \$5,000, publish notice of such adoption as a class 1 notice, under ch. 985. Alternatively, the notice may be posted as provided under s. 10.05. The notice need not set forth the full contents of the resolution, but shall state the maximum amount proposed to be borrowed, the purpose thereof, that the resolution was adopted under this subsection, and the place where, and the hours during which, the resolution ~~is available for public inspection~~ may be inspected. If, within 15 days after publication or posting, a petition is filed with the school district clerk for a referendum on the resolution signed by 500 electors of the district or 20% of the number of district electors voting for governor at the last general election as determined under s. 115.01 (13), whichever is the lesser, then the resolution shall not be effective unless adopted by a majority of the district electors voting at the referendum. The referendum shall be ~~noticed, called and conducted in the manner provided under s. 67.05 (6a) insofar as applicable, except that the notice of special election and ballot need not embody a copy of the resolution and the question which appears on the ballot shall be~~ "Shall ....(name of district) borrow the sum of \$.... for (state purpose) by issuing its general obligation promissory note (or notes) under section 67.12 (12) of the Wisconsin Statutes?"

SECTION 95e. 67.12 (12) (e) 6 of the statutes is amended to read:

67.12 (12) (e) 6. A copy of any resolution of the district board under subd. 5 which requires a referendum shall be promptly transmitted by the secretary of the district board to the county clerk or board of election commissioners of each county any part of which is contained within the district. Costs of the referendum shall be apportioned borne as provided in s. 67.05 (6m) (d) ss. 5.68 and 7.03.

SECTION 95m. 120.02 (1), (2) (a) and (4) of the statutes are amended to read:

120.02 (1) CHANGE IN NUMBER OF SCHOOL BOARD MEMBERS. If, at least 30 days prior to the day of the annual school district meeting, in a common or union high school district, or at least ~~30~~ 45 days prior to the day of the election of school board members in a unified school district, a petition requesting a change in the number of school board members is filed with the school district clerk the clerk shall incorporate in the notice of the annual meeting or election a statement that at the meeting or election the question of changing the number of school board members to the number requested in the petition will be voted upon. The petition shall be signed by not less than 100 electors residing in the school district, except that in

school districts which contain, in whole or in part, a city of the 2nd or 3rd class, the petition shall be signed by not less than 500 electors residing in the school district. If, at the meeting or election of school board members, a resolution based on a petition requesting a change in the number of school board members is adopted by a majority vote, school board members shall be elected at the next school board election and thereafter in accordance with sub. (3).

(2) (a) If, at least 30 days prior to the day of the annual meeting, in a common or union high school district, or at least ~~30~~ 45 days prior to the day of the election of school board members in a unified school district, a petition requesting the establishment of a plan of apportionment of school board members is filed with the school district clerk the clerk shall incorporate notice of receipt of such petition in the notice of the annual meeting or election. The petition shall specify the proposed plan of apportionment of school board members among the cities, towns and villages or parts thereof within the school district and set the total number of school board members at not more than 11. The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class the petition shall be signed by not less than 500 electors residing in the school district. If a majority vote of the annual meeting or election approves the plan set forth in the petition, the plan shall remain in operation until revised by the same procedure. School board members elected under this subsection shall be elected by a vote of the electors of the entire school district in accordance with the plan prepared under sub. (3).

(4) ELECTION TO NUMBERED SEATS. If, at least 30 days prior to the day of the annual meeting, in a common or union high school district, or at least ~~30~~ 45 days prior to the day of the election of school board members in a unified school district, a petition which sets forth a plan for the assignment of a number to each seat on the school board is filed with the school district clerk, the school district clerk shall incorporate notice of receipt of such petition in the notice of the annual meeting or election required under s. 120.06 (8) (c). The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class, the petition shall be signed by not less than 500 electors residing in the school district. If a majority vote of the annual meeting or election approves the plan set forth in the petition, the plan shall remain in operation until revised by the same procedure.

SECTION 96. 120.06 (6) (b) and (8) (b) of the statutes are amended to read:

120.06 (6) (b) No later than the first Tuesday in December prior to the spring election, the school district clerk shall publish a ~~class 4 type A notice, under ch. 985, of the school district election stating the time,~~

~~place and manner of filing declarations of candidacy and nomination papers, where required under s. 10.01 (2) (a).~~ No later than 5 p.m. on the first Tuesday in January prior to the spring election, or on the next day if Tuesday is a holiday, any qualified elector of the school district may file a sworn declaration of candidacy with the school district clerk in the form provided in s. 8.21 at the place specified in the notice. If the school district contains territory lying within a 2nd class city, or if the school board or annual meeting requires nomination papers under par. (a), any qualified elector of the school district who desires to be a candidate shall file nomination papers in the form prescribed under s. 8.10 (3) with the school district clerk at the place specified in the notice. In the case of a 3-member, apportioned or numbered school board, the qualified elector ~~also~~ shall state in the declaration the office, apportioned area or numbered seat for which the elector is a candidate. If a candidate has not filed a registration statement under s. 11.05 by the time he or she files a declaration of candidacy, the candidate shall file the statement with the declaration. A candidate shall file an amended declaration under oath with the school district clerk ~~if he or she changes his or her residence for voting purposes to a location outside the school district in the event of a change in any information provided in the declaration as provided in s. 8.21.~~

(8) (b) Determine for the primary, if any, and again for the spring election the order in which the names of candidates are printed on the ballot by supervising the drawing of lots not later than the 7th day following the last day for filing written declarations of candidacy and nomination papers and the ~~3rd~~ 2nd day following the completion of the canvass of the primary election, if any;

SECTION 96e. 120.06 (8) (f) (intro.) of the statutes is renumbered 120.06 (8) (f) and amended to read:

120.06 (8) (f) After the spring primary, if any, and again after the spring election, ~~canvass the election and after any special primary, election or referendum, assure that the returns pursuant to s. 7.60 (3), insofar as applicable:~~ are canvassed as provided in sub. (14).

SECTION 96m. 120.06 (8) (f) 1 and 2 of the statutes are repealed.

SECTION 96s. 120.06 (8) (h) of the statutes is amended to read:

120.06 (8) (h) ~~Supervise~~ Whenever a recount of the a primary, ~~if any, or the spring or other election is required, assure that the recount is conducted by the municipal and school district boards of canvassers pursuant to s. 9.01 by the board of canvassers named in par. (f).~~

SECTION 96t. 120.06 (11) of the statutes is amended to read:

120.06 (11) The absentee ballot provisions of ss. 6.84 to 6.89 apply to elections under this section. Voting machines or an electronic voting system may shall be used in any city, village or town lying wholly or partially within a school district conducting an elec-

tion under this section if the machines or system are required under s. 5.40.

SECTION 96u. 120.06 (14) of the statutes is created to read:

120.06 (14) The school district clerk shall receive the returns of each school district election, as canvassed by the municipal board of canvassers of each municipality in which the school district is contained, from the municipal clerk of that municipality. The school district shall then canvass and determine the results of the election. For this purpose, the school district clerk shall choose 2 reputable citizens prior to the date of the election being canvassed who shall, with the school district clerk, constitute the school district board of canvassers. If the school district clerk is a candidate at the election being canvassed, the other 2 members of the board of canvassers shall designate a 3rd member to serve in lieu of the clerk for that election. The canvass shall begin as soon as possible after receipt of the returns, and shall continue, without adjournment, until completed. The board of canvassers may return defective returns to the municipal board of canvassers in the manner provided in s. 7.60 (3). The board of canvassers shall prepare a statement showing the numbers of votes cast for each office and for and against each question and shall prepare a determination showing the names of the persons who are elected to the school board and the results of any school district referendum. Following each primary election, the board of canvassers shall prepare a statement certifying the names of the persons who have won nomination to the school board. Each statement and determination shall be attested by each of the canvassers. The board of canvassers shall file each statement and determination in the office of the school district clerk.

SECTION 96w. **Nonstatutory provisions; September 1988 primary polling hours.** (1) Notwithstanding section 6.78 of the statutes, all municipalities located wholly or partly within a county having a population of 300,000 or more, according to the 1980 federal decennial census, shall keep polling places open at the September 1988 primary election until 8:30 p.m. daylight saving time.

(2) Notwithstanding section 6.78 of the statutes, the governing body of any municipality which is not located wholly or partly within a county having a population of 300,000 or more, according to the 1980 federal decennial census, may, by resolution adopted no later than 30 days before the September 1988 primary election, extend the hours at polling places for that election until 8:30 p.m. daylight saving time.

SECTION 97. **Initial applicability.**

(2) The treatment of sections 5.02 (20r), 8.55, 10.01 (2) (a) to (c), 10.06 (1) (e) and (i), (2) (f), (L) and (n), (3) (as), (bs), (cm), (d) and (f) and (4), 11.01 (18), 38.15 (1) (by SECTION 78), 67.05 (3) to (5), (6a), (6b), (6m) (a) and (c) to (e) and (7) (b) and (e) and 67.12 (12) (e) 2

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and 6 of the statutes first applies to referenda held after November 1, 1988.

(3) The treatment of sections 7.03 (3) and 7.33 (4) and (5) of the statutes first applies to employes who are covered by a collective bargaining agreement that is in effect on the effective date of this SECTION upon expiration, renewal or extension of the agreement.

SECTION 98. **Effective dates.** This act takes effect on July 1, 1988, except as follows:

(1) The treatment of section 38.15 (1) of the statutes (by SECTION 79) takes effect on July 1, 1990.

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